

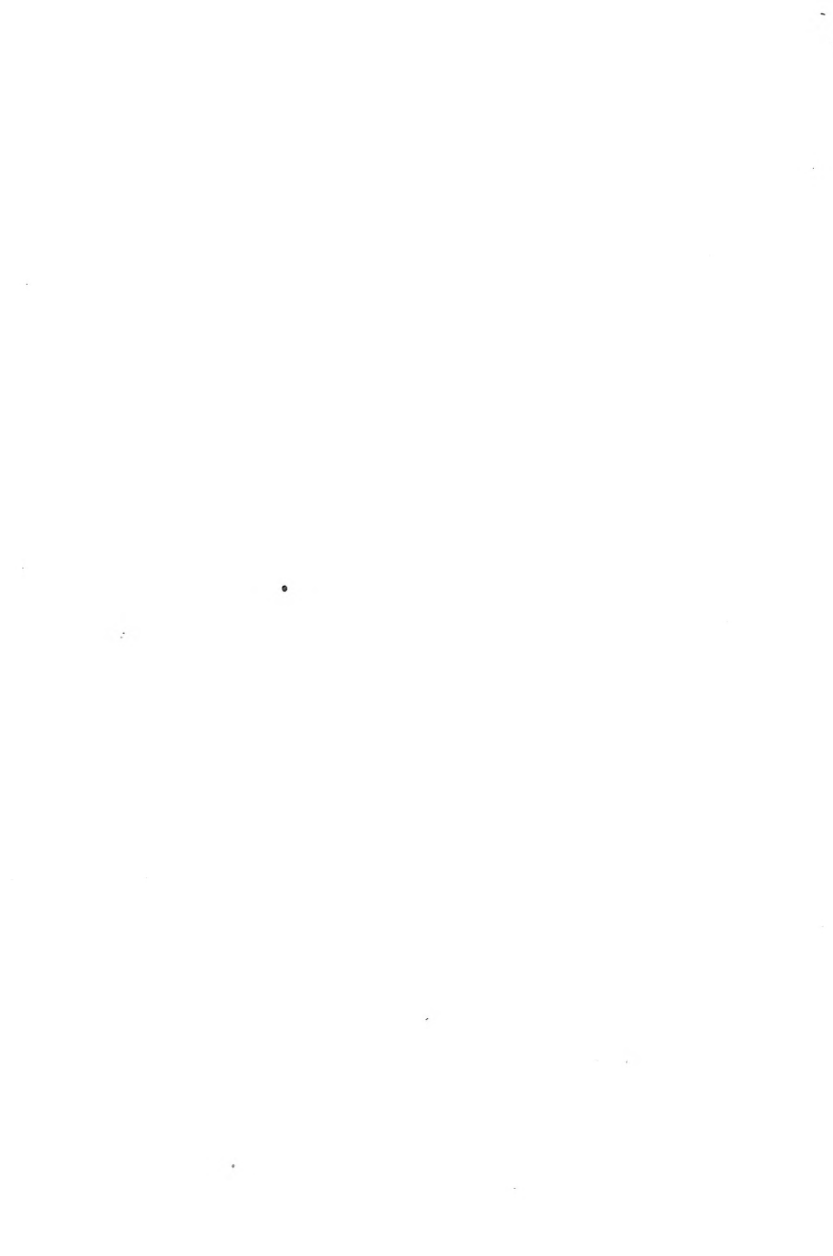
Accession Number.

Place Number

38219



February 21, 1905



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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES,
OF THE
STATE OF INDIANA,
BEING THE
ELEVENTH SESSION
OF THE
GENERAL ASSEMBLY,

BEGUN AND HELD AT INDIANAPOLIS, IN SAID STATE, ON
MONDAY THE FOURTH DAY OF DECEMBER, 1826.

INDIANAPOLIS, IA.

Printed by JOHN DOUGLASS

31219

21, 1905

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

AT THE ELEVENTH SESSION OF THE

General Assembly of the State of Indiana,

BEGUN AND HELD AT THE CAPITAL, IN THE TOWN OF INDIANAPOLIS, ON MONDAY THE FOURTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX; BEING THE DAY APPOINTED BY LAW, FOR THE MEETING OF THE GENERAL ASSEMBLY.

The following members of the House of Representatives appeared and took their seats:—

From the county of Wayne, *Abel Lomax, Caleb Lewis, Henry Hoover and William Elliott.*

From the county of Dearborn, *Ezekiel Jackson, Ezra Ferris, Horace Bassett and Johnson Watts.*

From the county of Clark, *Isaac Howk John M. Lemon and Joseph Work.*

From the county of Washington, *Alexander Little, Absalom Sargeant and Abner Martin.*

From the county of Harrison, *Harbin H. Moore, Benjamin Hurst and James B. Slaughter.*

From the county of Franklin, *Samuel Lewis and John T. McKinney.*

From the county of Switzerland, *Stephen C. Stevens and William B. Chamberlin.*

From the county of Jefferson, *David Hillis and John L. Spann.*

From the county of Orange, *John G. Clendenin and Alexander Wallace.*

From the county of Knox, *Benjamin V. Beckes and General W. Johnston.*

From the county of Fayette, *Newton Claypool and Martin M. Ray.*

From the county of Union, *Thomas Brown.*

From the county of Rush, *Charles H. Test.*

From the county of Decatur, *Doddridge Alley.*

From the county of Ripley, *Merit S. Craig.*

From the county of Jennings, *William A. Bullock.*

From the county of Marion, *Morris Morris.*

From the county of Jackson, *William Marshall.*

From the county of Scott, *Moses Gray.*

From the county of Floyd, *Alexander S. Burnett.*

From the county of Crawford, *Seth M. Levenworth.*

From the county of Lawrence, *Lewis Roberts.*

From the county of Monroe, *John Ketchum.*

From the county of Gibson, *Walter Wilson.*

From the county of Sullivan, *George Boon.*

From the county of Vigo, *John Jackson.*

From the counties of Vanderburgh and Warrick, *Thomas Fitzgerald.*

From the counties of Spencer and Perry, *John Daniel.*

From the counties of Pike and Dubois, *John Johnson.*

From the counties of Daviess and Martin, *James G. Reed.*

From the counties of Greene and Owen, *Eli Dixon.*

From the counties of Putnam and Clay, *George Piercy.*

From the counties of Parke and Vermillion, *Joseph M. Hays.*

From the counties of Montgomery, Fountain, and all the country north of the last named counties, and north of Vermillion, to the Indian boundary, *Henry Restine.*

From the counties of Morgan, Hendricks, and all the country north of the last named county, to the Wabash river, *Thomas J. Matlock.*

From the counties of Shelby and Johnson, *Lewis Morgan.*

From the counties of Randolph, Allen, and all the country lying north of Hamilton and Madison to the

river Wabash, which is not by law attached to other districts, *Samuel Hanna*.

From the counties of Henry, Madison and Hamilton, *Elisha Long*.

From the county of Bartholomew and all the country lying west of the same and east of Monroe, *Philip Sweetzer*.

Who produced their credentials and were sworn in to office by the Hon. Isaac Blackford, one of the judges of the supreme court of this state.

The House then proceeded to the election of a Speaker; on the first ballot, General W. Johnston had 8 votes, Harbin H. Moore 9 votes, David Hillis 14 votes, Philip Sweetzer 10 votes, Isaac Howk 8 votes, scattering 1 vote. On the second ballot General W. Johnston had 11 votes, H. H. Moore 11 votes, David Hillis 13 votes, Philip Sweetzer 11 votes, Isaac Howk 9 votes, and scattering 2 votes. On the third ballot G. W. Johnston had 11 votes, H. H. Moore 13 votes, David Hillis 15 votes, P. Sweetzer 11 votes, Isaac Howk 3 votes, scattering 2 votes. On the fourth ballot G. W. Johnston had 8 votes, H. H. Moore 15 votes, David Hillis 21 votes, P. Sweetzer 7 votes, Isaac Howk 3 votes, scattering 1 vote. On the fifth ballot G. W. Johnston had 3 votes, H. H. Moore 26 votes, D. Hillis 25 votes, and P. Sweetzer 1 vote. On the sixth ballot H. H. Moore had 30 votes, David Hillis 25 votes, G. W. Johnson 1 vote. Mr. Moore having received a majority of the whole number of votes given, was declared duly elected Speaker.

Mr. Lewis of W. presented the following resolution for the consideration of the House, to wit:

Resolved, That the House now proceed to the election of a Clerk, whose duty it shall be to do and perform all the duties heretofore performed by the Principal, Assistant and Enrolling Clerks; whose compensation shall be seven dollars per day, during this session.

Which being read;

On motion of Mr. Slaughter,

Said resolution was ordered to lie on the table.

On motion of Mr. Slaughter,

The House proceeded to the election of a Principal Clerk; and upon examining the ballots it appeared that Henry P. Thornton was duly elected; who was sworn into office by the Hon. Isaac Blackford, took his seat at the Clerk's table, and proceeded in the discharge of his duties.

The House then proceeded to the election of an Assistant Clerk, and on counting the ballots, it appeared that James F. D. Lanier was duly elected; who was sworn into office by the Hon. Isaac Blackford, took his seat at the Clerk's table, and proceeded in the discharge of his duties.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Samuel Hanna, representative from the counties of Randolph, Allen, &c. appeared, produced his credentials and was sworn into office by the Hon. B. F. Morris, president judge of the 5th judicial circuit of this state.

On motion of Mr. Stevens,

The House proceeded to the election of a Doorkeeper; and on counting the 4th ballot, James Ward was declared duly elected; who was called in and sworn into office, and proceeded in the discharge of his duties.

A message from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate had adopted the following resolution, to wit:

Resolved, That the House of Representatives be informed, that the Senate have convened, formed a quorum, elected James Dill Secretary, John H. Farnham Assistant Secretary, James M. Ray Enrolling Secretary, and Charles E. Hand Door-keeper, and that they are now ready to proceed to legislative business.

Mr. Bullock presented the following resolution for the consideration of the House, to wit:

Resolved, That a committee be appointed to wait upon the Rev. Mr. Bush, and request his attendance in the Hall of the House of Representatives, to open the session by solemn prayer.

Which being read,
 On motion of Mr. Craig,
 The same was laid on the table.

On motion of Mr. Craig,

Resolved, That the House now proceeded to the election of an Enrolling Clerk for the present session, who shall receive pay only from the time his services may be required by this House.

The House accordingly proceeded to the election of an Enrolling Clerk; and on the first ballot Harvey Scribner had 15 votes, Rollin C. Dewey 16 votes, Henry H. Talbott 19 votes, William R. Morris 7 votes.— On the 2d ballot H. Scribner had 13 votes, Rollin C. Dewey 17 votes, H. H. Talbott 22 votes, W. R. Morris 4 votes. On the 3d ballot H. Scribner had 4 votes, R. C. Dewey 22 votes, and H. H. Talbott 31 votes.— H. H. Talbott having received a majority of the whole number of votes given, was declared duly elected Enrolling Clerk.

On motion of Mr. Lomax,

Resolved, That the Clerk of this House inform the Senate, that the House of Representatives have met, formed a quorum, elected Harbin H. Moore Speaker, Henry P. Thornton Principal Clerk, James F. D. Lannier Assistant Clerk, Henry H. Talbott Enrolling Clerk, and James Ward Door keeper, and are now ready to proceed to legislative business.

Mr. Stevens gave notice that he would on to-morrow move this House to amend their standing rules and orders for the government and conducting business, by striking out the 8th section thereof, and inserting in lieu of the same, one which he would introduce.

Mr. Johnston of Knox presented the following resolution for the consideration of the House, to wit:

Resolved, That the rules adopted at the last session of the General Assembly, for their government in the transaction of their own business, and the joint rules for their government in the transaction of business between the two Houses, be adopted by this House for their government during this session, until altered, and that the public printer be directed to print 100 copies thereof

for the use of the General Assembly; and that the Senate be informed thereof, and requested on their part to adopt the same joint rules.

Which being read was, on motion of Mr. Stevens, ordered to lie on the table until to-morrow.

On motion of Mr. Lomax,

Resolved, That the secretary of state be requested to furnish 30 copies of the journals of this House of the last session, and 30 copies of the revised code, and of the laws passed since the revision, for the use of the members of this House.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 5th, 1826.

The House met pursuant to adjournment

James H. Richardson, member from the county of Posey, appeared, presented his credentials, and was sworn into office by the Hon. Isaac Blackford.

On motion,

The House took up and proceeded to consider the resolution of Mr. Bullock of yesterday, relative to calling on the Rev. Mr. Bush, to open the session by solemn prayer; and.

On motion of Mr. Basset,

Said resolution was amended by adding the following thereto: "And that the Senate be informed thereof, and their attendance requested; and that seats be provided for them on the right of the Speaker's chair."

Mr. Lewis of W. moved further to amend said resolution, by striking out the name of Mr. Bush, and inserting that of John E. Strange.

Mr. Ferris then moved to reject said resolution and proposed amendment. Which was decided in the negative.

A division of the question being called for, the ques-

sion was taken on striking out the name of Mr. Bush— which was decided in the negative.

Mr. Ferris moved further to amend said resolution by striking out the word “solemn;” which was decided in the negative.

Said resolution as amended was then read, and adopted by the House.

Whereupon,

The Speaker appointed Messrs. Bullock, Ferris and Howk said committee.

A message from the Senate, by Mr. Farnham, their Assistant Secretary, announcing that the Senate have adopted the following resolutions:

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee who may be appointed on the part of the House of Representatives, to wait on his Excellency James B. Ray, Governor of the state of Indiana, and inform him that both houses of the General Assembly have convened, elected their officers, and are now ready to proceed to legislative business; and to inquire of him if he has any communication to make to this General Assembly, and learn at what time and place he may please to make the same; that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested; that Messrs. Gregory and Clark, have been appointed said committee on the part of the Senate.

Resolved, That the Senate will meet the House of Representatives, in the Representatives Chamber, the House of Representatives consenting thereto, to-morrow morning at 10 o'clock, and proceed to the election of a Senator, to serve in the Senate of the United States for six years, ensuing the 4th of March next, in the place of the Hon. James Noble, whose term of service will then expire; That the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested.

Mr. Craig presented the following resolution for the consideration of the House, to wit:

Resolved, That it is the opinion of this House, that James B. Ray Esq. who now is acting in and filling the office of Governor of this state, has forfeited his right to act in and fill said office of Governor, by accepting of and exercising at Mississinawa during a part of the year 1826,) the office of commissioner under the United States, together with Lewis Cass Esq. Governor of the Territory of Michigan, and John Tipton of Fort Wayne, Indian Agent, to treat with the Pottawatama and Miami tribes of Indians, for the purchase of lands lying within the state of Indiana; and that the Senate be informed of this opinion, and their opinion requested.

Said resolution being read, Mr. Boon moved to lay it on the table; which was carried in the affirmative.

On motion of Mr. Stevens,

The House took up and proceeded to consider the resolution of Mr. Johnson of Knox, relative to the rules of the House.

Mr. Stevens then moved to amend the same by striking it out from the resolving clause and inserting the following in lieu thereof; which was carried in the affirmative.

That the standing rules and orders for the government and conducting of business in the House of Representatives, adopted at the last session of the General Assembly, be adopted by this House for their government during the present session, with this amendment, to wit: strike out the 8th section thereof, and insert in lieu of the section so stricken out, the following, to wit:

Ten standing committees shall be appointed at the commencement of each session, viz: A committee of elections: A committee of ways and means: A committee on the judiciary: A committee on education: A committee on military affairs: A committee on the affairs of the state prison: A committee on the affairs of the town of Indianapolis: A committee on claims: A committee on roads: And a committee on canals and internal improvements. It shall be the duty of the committee of elections, to examine and report upon the certificates of elections and other credentials of the members returned to serve in the House, and to take into their considera-

tion all other matters relative to contested elections, which may also be referred to them. It shall be the duty of the committee of ways and means to inquire into the financial concerns of the state, and make a detailed report of the same, and take into consideration all such other business as may be referred to them. It shall be the duty of the committee on education to examine into, and make a detailed report of the amount of seminary funds in the hands of each trustee in the several counties, and take into consideration all such other business as may be referred to them. And each of the other committees shall take into their consideration all subjects and matters which may be referred to them.

And be it further resolved, that the joint rules for the transacting business in the two houses of the General Assembly, adopted at the last session of the General Assembly, be and the same are adopted by this House, for their government during the present session.

And the clerks of this House, forthwith furnish the public printer with a copy of the standing rules and orders (as amended,) and the joint rules, requiring him to print immediately for the use of the members of this House, one hundred copies thereof.

And that the Clerk inform the Senate that this House has adopted the joint rules for the transacting business in the two Houses of the General Assembly, adopted at their last session, and request them on their part to adopt the same joint rules.

Said resolution as amended was then read and adopted by the House.

The Speaker laid before the House, the following communication from the Secretary of state: which was read and ordered to lie on the table, to wit:

SECRETARY'S OFFICE, Dec. 3d, 1826.

In accordance with law the Secretary of state reports, that a contract has been made with Messrs. Douglass & Maguire, to furnish stationary for the use of the legislature, during the present session, at the following prices, to wit:

Cap paper No. 1	\$3 75	per ream
do. do. 2	3 50	do.
do. do. 3	3 25	do.
Letter post	4 25	do.
Candles (best quality) per lb.	17	

Quills and other articles not enumerated, at a fair price.

Mr. Robert Patterson has contracted to furnish fuel for the use above, at 86 cents per diem.

WM. W. WICK.

The committee appointed for that purpose, came in attended by the Rev. Mr. Bush, who took his seat by the Speaker, and the Senate came down into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker. The Rev. Mr. Bush then rose, and addressed the throne of grace in a solemn and impressive manner—After which, the Senate retired to their chamber.

Mr. Sweetser presented the following resolution, for the consideration of the House, to wit:

Resolved, That the House of Representatives will on to-morrow morning, at 10 o'clock proceed to the election of a Senator in Congress, to serve six years from the 4th of March next, in the room of James Noble, whose term of service will then expire; that the Senate be informed thereof, and that seats will be prepared for them on the right of the Speaker's chair.

Said resolution being read,

Mr. Bullock moved to amend the same by striking out the word "to-morrow" and inserting "Saturday."

A division of the question being called for, the question was taken on striking out, and it was decided in the negative.

The question being then taken on the adoption of said resolution, it was carried in the affirmative.

On motion of Mr. Ferris,

Resolved, That a select committee be appointed to inquire into the best method that can be adopted, to perpetuate testimony for the purpose of preventing the evils

that might grow out of the destruction by fire of the public records of Dearborn county, with leave to report by bill or otherwise.

Whereupon,

The Speaker appointed Messrs. Ferris, Ally and Hurst said committee.

On motion of Mr. Reed,

Resolved. That a committee be appointed to inquire into the unfinished business of the last General Assembly, and report the situation thereof to this House.

Whereupon,

The Speaker appointed Messrs. Reed, Johnston of Knox and Bassett that committee.

Mr. Little moved to re-consider the vote on adopting the resolution of Mr. Sweetser of this morning, relative to going into the election of a senator in Congress, on to morrow morning; which was carried in the affirmative. And

On motion of Mr. Howk,

Said resolution was ordered to lie on the table.

On motion of Mr. Beckes,

The House took up and proceeded to consider the resolution of Mr. Craig of this morning, relative to James B. Ray's acting as commissioner, under the general government, to treat with the Miami and Pottawatama Indians.

Mr. Hays moved to amend said resolution by striking it out from its resolving clause, and inserting the following in lieu thereof, to wit:

"That a committee be appointed by this House, to wait on his Excellency James B. Ray, Governor of the state, in conjunction with a similar committee from the Senate, to inform him that both Houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to learn from him at what time he will make such communication; that the Senate be informed thereof, and a similar committee on their part requested." And

On motion of Mr. Bullock,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House resumed the consideration of Mr. Craig's resolution of this morning relative to James B. Ray's having acted as commissioner, on the part of the general government, to treat with the Indians, and Mr. Hays' proposed amendment thereto.

And then the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 6, 1826.

The House met pursuant to adjournment

A message from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate had elected Samuel Downing, Sergeant-at-arms to the Senate for the present session. Also,—That a standing committee on enrolled bills has been appointed on the part of the Senate, and that Messrs. Simonson and Coleman are that committee.

The Speaker announced the following as the order of business to be observed by this House, during the present session until changed by the House.

1st. Reading the journals of the preceding day.

2d. Petitions, memorials and remonstrances.

3d. Reports from standing committees in the following order, to wit: on elections, on ways and means, on the judiciary, on education, on military affairs, on the state prison, on the affairs of Indianapolis, on claims, on roads and on canals and internal improvements.

4th. Reports from select committees (except the committee on enrolled bills, which may report at any time.)

5th. Resolutions of this House.

6th. Joint Resolutions.

7th. Bills.

8th. Orders of the day.

The Speaker then appointed the following standing committees, to wit:

1st. *A committee on Elections*—Messrs. Read, Bullock, Lemon, Test, Morgan and Daniel.

2d. *A committee on Ways and Means*—Messrs. Ferris, Beckes, Fitzgerald, Lomax, Hurst, Johnson of Pike and Clendenin.

3d. *A committee on the Judiciary*—Messrs. Stevens, M'Kinney, Craig, Sweetser and Johnston of Knox.

4th. *A committee on Education*—Messrs. Howk, Slaughter, Bassett, Chamberlin and Richardson.

5th. *A committee on Military Affairs*—Messrs. Burnett, Wilson, Marshall, Ketcham and Lewis of Wayne.

6th. *A committee on the Affairs of the State Prison*—Messrs. Claypool, Brown, Hoover, Little, Restine and Matlock.

7th. *A committee on the Affairs of the town of Indianapolis*—Messrs. Hillis, Ray, Piercy, Jackson of Vigo and Morris.

8th. *A committee on Claims*—Messrs. Lewis of Franklin, Elliott, Boon, Martin and Watts.

9th. *A committee on Roads*—Messrs. Wallace, Ally, Dickson, Sargeant, Long, Roberts and Jackson of Dearborn.

10th. *A committee on Canals and Internal Improvements*—Messrs. Hays, Levenworth, Gray, Hanna, Spann and Work.

On motion of Mr. Lomax,

Mr. Elliott was added to the committee on education.

On motion of Mr. Ferris,

Messrs. Bassett, Jackson of D. Watts, Johnston of Knox, Howk and Stevens, were added to the committee appointed on the subject of the destruction by fire, of the public records of Dearborn county.

The House resumed the consideration of the resolution of Mr. Craig of yesterday, relative to James B. Ray's having acted as commissioner on the part of the United States, to treat with the Pottawatama and Miami Indians in this state, and the proposed amendment of Mr. Hays thereto. And

On motion of Mr. Stevens,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House again resumed the consideration of Mr. Craig's resolution, and the proposed amendment of Mr. Hays thereto; which was under debate when the House adjourned in the forenoon.

Mr. Johnston of Knox then moved to lay the said resolution and proposed amendment, on the table; which was carried in the affirmative.

On motion of Mr. Johnston of Knox,

Resolved, That a committee be appointed to wait upon James B. Ray Esq. and inform him that there is now a resolution before this House, tending to declare his office as Governor of this state, vacated in consequence of his having accepted and exercised the authority under the President of the United States, of treating with certain Indian tribes within this state, during the present year. And that he the said James B. Ray, has leave, should he judge proper, to avail himself of the privilege to appear before this House, and defend himself either in person or by counsel.

Mr. Stevens moved to amend the same, by adding the following at the end thereof, to wit: "And that he is hereby respectfully requested to lay before this House any papers, documents or other evidence relative to this subject, which may be in his possession, if he shall think proper so to do;" which was carried in the affirmative.

Mr. Bullock then moved further to amend said resolution by the addition of the following, to wit: "And that the Clerk of this House, immediately furnish the said James B. Ray with a copy of the above resolution herein referred to; which was also carried in the affirmative.

Mr. Hurst moved further to amend said resolution, so as to request James B. Ray to furnish said papers, and appear and answer said resolution on to morrow at 10 o'clock in the morning, or at such other time as would be convenient for him; which was decided in the negative.

Said resolution as amended was then read, and adopted by the House.

Whereupon,

The Speaker appointed Messrs. Johnston of Knox and Bassett that committee.

On motion of Mr. Stevens,

Resolved, That Messrs. Smith and Bolton be admitted on the floor of this House, as reporters of the proceedings thereof, and that they be permitted to have access to the journals, whenever it shall be convenient for the Clerks to admit such access.

Mr. Gray presented the following resolution, for the consideration of the House, to wit:

Resolved, That the committee of ways and means, be directed to report a bill to this House, at an early period of the session, providing for assessing and collecting the revenue, on the ad valorem system.

Which being read,

On motion of Mr. Howk,

The same was ordered to lie on the table.

On motion of Mr. Sweetser,

The certificates of election of the members of this House were referred to the committee on elections.

On motion of Mr. Morgan,

Messrs. Johnson of P. and Long, were added to the committee on military affairs.

Mr. Howk presented a petition of Diana M. Bullitt administratrix of Thomas M. Bullitt deceased, praying authority to sell certain real estate of her late husband; which was read, and

On motion,

Referred to a select committee, with leave to report by bill or otherwise.

Whereupon,

The Speaker appointed Messrs. Howk, Watts and Burnett that committee.

Mr. Craig presented a petition of sundry citizens of Ripley county, praying an extension of time in the leasing of school lands; which being read, was

On motion,

Referred to the committee on education.

Mr. Bullock presented another petition on the same subject; which was read and referred to the same committee.

Mr. Read presented a petition of sundry citizens of Daviess county, praying that part of said county may be attached to the county of Lawrence; which being read,

On motion of Mr. Read.

The same was ordered to lie on the table.

On motion of Mr. Lewis of Wayne,

Resolved. That a committee of two be appointed on the part of this House, as a committee of enrolled bills, to act with a similar committee appointed on the part of the Senate.

Whereupon,

The Speaker appointed Messrs. Lewis of Wayne and Bullock that committee on the part of this House.

Ordered, That the Clerk inform the Senate thereof.

On motion,

Messrs. Wallace and Marshall, were added to the committee on elections.

Mr. Ferris, after having obtained leave, presented a joint resolution on the subject of salt springs; which was read the first time, the rule having been dispensed with, was read a second time, and committed to a committee of the whole House, on Friday next.

On motion of Mr. Hays,

Resolved. That the committee on the judiciary, be instructed to enquire what alteration is necessary in the act entitled "An act to regulate the mode of doing county business," and if any alteration is found necessary, to report by bill or otherwise.

Mr. Stevens, after having obtained leave, presented a joint resolution of the General Assembly of the state of Indiana; which was read the first time, the rule having been dispensed with, was read a second time and committed to a committee of the whole House on Wednesday next.

On motion of Mr. Sweetser,

The communication from the secretary of state, on the

subject of stationary, which lies on the table, was taken up and referred to the committee of ways and means.

The Speaker laid before the House a communication from John Brown, with accompanying documents contesting the election of Lewis Roberts, the member returned from Lawrence county ; which being read,

On motion,

The same were referred to the committee of elections.

The Speaker also laid before the House, the following communication from B. I. Blythe, Agent of the three per cent fund, to wit:

AGENT'S OFFICE, Dec. 5th, 1826.

THE HON. H. H. MOORE, Sp'r. H. R.

SIR—To the body over which you preside, I now transmit my annual report of the situation of the three per cent. fund, from which it will appear that there has been received seventy nine thousand nine hundred and twenty five dollars and nine cents. There has been paid in commissioners' drafts seventy three thousand three hundred and forty-seven dollars forty and nine twelfth cents, which together with sixteen hundred and five dollars fifty-six cents, commission on the first named amount, makes seventy four thousand nine hundred and fifty two dollars ninety six and nine twelfth cents, leaving a balance in my hands on the 1st instant, of four thousand nine hundred seventy two dollars twelve and three twelfth cents. I received in April last from C. Harrison late agent in cash, one thousand seven hundred and eighty dollars two and nine twelfth cents. In discharged drafts two thousand and eight dollars fifteen and five sixth cents, which together with his commission of seventy five dollars and seventy-six cents on those amounts, make three thousand eight hundred and sixty-three dollars ninety four and seven twelfth cents, the balance he reported in his hands on the 1st of December 1825.

I received from the United States Treasury in May last, seven thousand one hundred and seventy-six dollars ninety-seven cents, to which I added four dollars and twenty-three cents over-charge in commission by

the late agent, (as he informed me and which had never been apportioned, making seven thousand one hundred and eighty-one dollars twenty cents, from which I deducted five hundred dollars paid James Blake for the Fort Wayne road, out of unexpended balances of last year; and my commission on eight thousand nine hundred fifty six dollars ninety-nine and nine twelfth cents, equal to one hundred and seventy-nine dollars thirteen cents, leaving a balance of six thousand five hundred and two dollars seven cents, which was apportioned to the several roads. An act of the last legislature required me to pay over to Ashbel Stone for the use of the road between this place and Rushville, one thousand dollars, to wit: five hundred dollars out of the then; future appropriations to each of the roads passing through Brookville and Connersville, after satisfying all prior contracts and assessments of damages; all demands have been paid on the Brookville road, and the balance of two hundred and seventy-six dollars thirty-seven and one fourth cents paid Ashbel Stone.

It will require to pay the damages on the Connersville road, the greater part of all its unapportioned balance of the one hundred thousand dollars; it is therefore presumed, that some years will elapse before any aid can be had from that to the Rushville road.

Respectfully submitted,

B. I. BLYTHE, Agent
for the three per cent. fund.

A statement of the situation of the Three Per Cent Fund, Dec. 1, 1826.

No Roads.	Road Commissioners—Presidents first named.	Apportionment to each road.	Drafts paid.	Balance due.
2	John J. Neely, Samuel Emmison, James Wasson,	\$5926 71	\$5926 71	
3	Archibald Campbell, James Robb, John Case,	2212 68	2066 45	146 23
4	Andrew Cavitt, Thomas Givun, James Smith,	2213 33	2065 16	148 17
5	Isaac Montgomery, G. W. Teevatt, William Barker,	2515 22	2515 22	
6	William McCornick, Benjamin Stafford, Willis Traylor,	4219 63	3992 81 3-4	226 81 1-4
7	Michael Buskirk, Samuel Snyder, Joseph D Clements,	3900 04	3549 39 1-2	350 64 1-2
8	Samuel Chambers, John Anderson, Thomas Posey,	6075 99	5965 88 1-3	110 10 2-6
9	William Baird, G. W. Boon, Richard Beem,	6882 47	6882 47	
10	Hugh McPheeters, Seth Woodruff, William Richards,	2199 76 1-6	2199 76 1-6	
11	John G. Clendenin, John McDonald, Maurice Morris,	4116 95	3401 13 2-3	715 81 1-3
12	William F. Twilley, Joel Combs, R. H. Murray,	2124 05	1995 21	128 84
13	John M. Lemon, Benjamin Ferguson, William Marshall,	2531 89	2104 34 1-3	427 54 2-3
14	William Plasket, William Reddick, James Ward,	2362 90	2159 71 11-12	203 18 1-12
15	Joshua Wilkinson, Mm. C. Barnwell, Samuel Wilson,	4823 36	4823 36	
16	Simeon Slawson, Joseph Malin, A. W. Stewart,	2466 36	2258 77 7-12	207 58 5-12
17	Stephen Ludlow, John Walker, Timothy Davis,	4932 78	4932 78	
18	Samuel Shirk, David Mount, John Davis,	3130 37 3-4	3130 37 3-4	
19	Zachariah Ferguson, John Perrin, Stanhope Royston,	3209 63	3209 63	
20	J. C. Kibby, Patrick Baird, Isaac Abraham,	3265 56	2992 31	273 25
21	John Way, Jesse Moorman, Joshua Foster,	2081 55	1907 37	174 18
22	James Blake, J. M. Coleman,	954 64	822 36 1-2	132 27 1-2
23	James Lewis, John Barricklow, Samuel Purcell,	778 82	778 82	
24	William Ballow, Peter Amerman, Franklin F. Sawyer,	420 60	420 07 1-2	52 1-2
25	Wabash Fund,	1452 34	147 34	1305 00
26	James McKimney, R. McIntire, A Sargeant,	263 49 5-6	211 08 5-6	52 41
27	John Cassidy, John Riggs,	1363 33	1008 15 2-3	355 17 1-3
28	Thomas Bradford, James Ball, Philip Hart,	439 57	439 57	
29	William Sanders,	246 49	246 49	
30	James Blake, William Conner,	500 00	500 00	
31	William Polke, (special appropriation.)	114 00	114 00	
32	John Williams, Paul Cassleberry, Reuben Bates,	227 63	213 25	
33	Asbel Stone,	267 37 1-4	267 37 1-4	14 38

\$70 210 59

\$79 946 40 0 50

\$1 000 00 0 50

Received by Christopher Harrison, late Agent, from the U-		
nited States Treasury, - - - - -	\$72,748 12	
Retained to meet his commission, - - - - -	1,426 43	
Apportioned to the different roads, - - - - -	71,321 69	
Paid commissioners' drafts, to wit: quietus for \$67,533 50 5-12		
Paid since, and now reported by me - - - - -	2,008 15 5-6	
	<hr/>	69,541 66 3-12
Balance in former agents hands, on the 20th Dec. 1825,	1,780 02 9 12	
Received of the former agent, April 1826, - - - - -	1,780 02 9 12	
From the United States Treasury, May 1826, - - - - -	7,176 97	
	<hr/>	3,926 99 9-12
Retained to meet my commission, - - - - -	179 13	
Apportioned to the different roads, including old balances,	8,777 86 9 12	
Paid commissioners' drafts and now reported - - - - -	3,805 74 6 12	
	<hr/>	
Balance remaining on hands, - - - - -	<hr/>	\$4,972 12 3 12

B. I. BLYTHE, Agent
for the three per cent. fund.

Hon. Speaker of the H. R.
Indianapolis, December 1st, 1826.

Which being read,

On motion,

The same was referred to the committee on roads.

The Speaker also laid before the House, the follow-
ing communication from Benjamin I. Blythe, Agent of
the state for Indianapolis, to wit:

AGENT'S OFFICE, Dec. 6, 1826.

SIR—I transmit herewith an account of the number
of lots relinquished to the state. The number on which
the transfers of payments from those relinquished were
applied, with the amount required in cash to complete
the payment, together with the number of lots on which
complete payments have been made in cash, between
the first day of July and the thirty first of October last,
prepared in conformity with a law, entitled "an act for
the relief of purchasers of lots in the town of Indianap-
olis," approved January 20th, 1826. You have also
the number of lots forfeited, with the amount heretofore
paid on them. All of which is respectfully submitted.

99 lots relinquished on which had been paid		\$2,619 06
25 do. on which transfers of payments were applied,	\$1,887 52	
Interest on that sum,	594 45	
1 lot on which but one payment was made,	22 60	
Interest,	7 40	
Whole amount applied,		2,511 97

Balance in favor of the state \$107 09

To complete the payments on the above 25 lots, there has been paid in cash,	\$327 33	
To complete one payment on the lot above named,	3 60	
Amount received in cash,		330 93
15 lots have been paid out under the provisions of 2d sec. of the act above recited, amounting to		1,535 90
66 lots have forfeited on which had been paid including a lot above noted. on which \$30 in transfers and \$3 60 in cash have been received for the 3d payment)		1,531 01

In conclusion, I would remark, that it would be well for the interest of the state, to order another sale of out lots on the north and south of those already sold, laying them off in squares, to contain four times the quantity of those already sold, which can be done by terminating every second street. Wood is becoming scarce, the state owns all the land around the town, and if the citizens cannot purchase timber land, many will become trespassers, and I can say on experience, that the lands around town when stripped of their timber, are much less valuable. I have the honor to be, &c.

B. I. BLYTHE, Agent
of the State of Indiana.

HON. H. H. MOORE, Sp'r. H. R.

Which being read, was

On motion,

Referred to the committee on the affairs of Indianapolis.

Mr. Hoover presented a petition of Joseph P. Plummer of Wayne county, praying certain relief; which was read, and

On motion,

Referred to a select committee of Messrs. Hoover, Wilson and Wallace.

On motion of Mr. Hays,

Mr. M'Kinney was added to the committee on canals and internal improvement.

On motion of Mr. Lomax,

Mr. Hoover was added to the committee of ways and means.

On motion of Mr. Morris,

Messrs. Spann and Lemon were added to the committee on military affairs, and Mr. Sweetser to the committee on the affairs of Indianapolis.

On motion of Mr. Morgan,

Mr. Craig was added to the committee on elections.

On motion of Mr. Ally,

Mr. Hillis was added to the committee on roads.

On motion of Mr. Hillis,

Mr. Hays was added to the committee on elections.

On motion of Mr. Matlock,

Messrs. Stevens and Howk were added to the committee on the state prison.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 7, 1826.

The House met pursuant to adjournment.

Mr. Dixon presented a petition of Alexander Craig and others, citizens of Greene county, praying authority

to erect a mill dam across Eel river, near its mouth; which being read,

On motion,

The same was referred to a select committee, of Messrs. Dixon, Johnston of Knox and Little.

Mr. Jackson of Vigo, presented a petition of Wm. C. Linton and others of said county, praying authority to drain certain ponds in said county; which was read,

And on motion,

Referred to a select committee of Messrs. Jackson of Vigo, Boon and Beckes, with leave to report by bill or otherwise.

Mr. Johnson of Pike, presented a petition of John M'Intire and others of said county, praying authority to change a part of the state road, from Petersburg to Washington; which was read and referred to the committee on roads.

Mr. Levenworth, presented a petition of sundry citizens of Crawford county, praying a re-location of the seat of justice of said county; which being read, was

On motion,

Referred to a select committee, with leave to report by bill or otherwise.

Whereupon,

The Speaker appointed Messrs. Levenworth, Wallace and Lewis of Franklin, that committee.

Mr. Bassett, presented a petition of Mary Ferrand of Dearborn county, praying to be divorced from her husband Bartholomew Ferrand; which being read, was

On motion,

Referred to a select committee of Messrs. Bassett, Elliott and Lomax.

Mr. Gray presented a petition of Jesse Jackson and others, citizens of Scott county, praying that the Brushy Fork of the Muscatituck river, may be declared navigable, from its mouth up to Hog creek, and that provisions by law, be made for opening the same; which being read, was

On motion,

Referred to a select committee of Messrs. Gray, Hurst and M'Kinney.

Mr. Richardson presented a petition of Joseph M^r. Reynolds and others, citizens of Posey county, praying certain amendment to the militia law; which being read,

On motion,

The same was referred to the committee on military affairs.

Mr. Ferris presented a petition of James Vaughn of Dearborn county, praying compensation for certain services; which was read, and

On motion,

Referred to the committee on roads.

Mr. Johnston of Knox, presented a certified account from the board of justices of Knox county, for keeping certain persons convicted of larceny in said county; which being read, was

On motion,

Referred to the committee on claims.

Mr. Lewis of Franklin, presented a petition of Abraham Rose and others, school trustees of congressional township No. 10, range No. 2 west, praying certain relief; which being read, was

On motion,

Referred to the committee on education.

Mr. Read, from the committee on elections, submitted the following report, to wit:

Mr. Speaker,

The committee on elections, to whom was referred the communication of John Brown, praying that the election of Lewis Roberts, Representative from the county of Lawrence, may be set aside, have had the same under consideration, and after examining the documents and testimony accompanying said communication, have adopted the following resolution, to wit:

Resolved, That it is the opinion of a majority of this committee, that the contest of the election of Lewis Roberts, returned as the Representative of Lawrence county, is supported by sufficient evidence, and that Lewis Roberts is not entitled to his seat in the present General Assembly.

Said report being read,

Mr. Stevens moved to lay it on the table until to-morrow morning; which was decided in the negative.

Mr. Sweetser moved to amend said report, by adding the following at the end of the resolution, to wit: "It being proved to this House, that the person holding the certificate, received a majority of only three votes, and that nine illegal votes were given at the election;" which was decided in the negative.

Mr. Beckes then moved to amend the same by the addition of the following resolution, to wit:

Resolved also, That John Brown, the contestor, is entitled to his seat in this House as a representative from Lawrence county, and that he be called in, sworn into office, and take his seat as such; which was also decided in the negative.

The question being put, Will the House concur in the report of the committee on elections. And the ayes and noes being demanded by Messrs. Bullock and Lomax, are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Craig, Daniel, Gray, Hanna, Marshall, Martin, Read Sargeant, Sweetser, Test, Wallace and Moore, Speaker—12.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Dickson, Elliott, Ferris, Fitzgerald, Hays, Hillis, Hoover, Hurst, Jackson of D. Jackson of V. Johnson of P. Johnston of K. Ketcham, Lemon, Levenworth, Little, Long, Lewis of F. Lewis of W. Lomax. M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Restine, Slaughter, Spann, Stevens, Watts, Wilson and Work.—44.

And so the report of the committee was not concurred in by the House.

On motion of Mr. Stevens,

Resolved, That it is the opinion of this House, that the contest of the election of Lewis Roberts, returned as a representative of Lawrence county, is not support-

ed by evidence, and that Lewis Roberts is entitled to his seat in this House as a member.

Mr. Johnston of Knox, from the select committee, appointed in pursuance of a resolution of yesterday to wait upon James B. Ray, &c. reported that they had performed that duty, and received in reply from him, the following communication in writing, addressed to the Speaker of the House of Representatives, to wit:

Gentlemen of the House of Representatives,

As the *Executive* of the State, it will at all times give me pleasure to answer any *suitable* requisition made of me, by either branch of the General Assembly: and I acknowledge the resolution which I have had the honor of receiving from the House of Representatives, through the gentlemen composing their committee, to be full evidence, that I had reason to have the confidence in the members composing your body, that you would not arraign my conduct whilst holding the important and responsible situation, to which the *voice of the people* of the state has called me, without in the *first place* allowing me the *sacred constitutional* privilege. to which the humblest citizen is entitled, of being *heard* in my defence. At the same time feeling conscious of having committed *no act* since I have been honored with the office of Governor, incompatible with its high obligations and duties, and which was not intended to the best of my ability for the prosperity of the state of our choice, I must express my conviction, that the harmony of the co-ordinate branches of this government, the laws of delicacy, and the true interests of our common country, will be best consulted, by my declining the acceptance of the invitation at this late period, with which I have been favoured through your committee; asking to be permitted to add, that in no transaction of mine, official or other, have I any thing proper to be communicated, which shall not be at all times subject to the inspection of my fellow citizens of the state, or their representatives. If I have erred in the manner intimated in a resolution sent me, I have erred with the fathers of the republic, the first patriots of the age, and in attempting to do good, and advance the highest interests of our beloved country. As custom, precedent and example passed in review before me, I could not be insensible of their force; and have been made to feel, as if I had done my duty to my conscience and the state.

I have the honor to be, very respectfully,

Your most obedient servant,

J. BROWN RAY.

December 7th, 1826.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Hillis.

The House took up and proceeded to consider the resolution offered by Mr. Craig on Tuesday last, and the amendment proposed by Mr. Hays thereto.

Mr. Bullock moved that the House adjourn until tomorrow morning nine o'clock; which was decided in the negative.

The question being then put, Shall said resolution be amended, as proposed by Mr. Hays?

And a division of the question being called for by Mr. Hurst, the question was taken on striking it out from its resolving clause ; which said resolution reads in the words following:

“Resolved, That it is the opinion of this House, that James B. Ray Esq. who now is acting in, and filling the office of Governor of this state, has forfeited his right to act in, and fill said office of Governor, by accepting of and exercising at Mississinawa (during a part of the year 1826. the office of commissioner, under the United States, together with Lewis Cass Esq. Governor of the territory of Michigan, and John Tipton of Fort Wayne, Indian agent, to treat with the Pottawatama and Miami tribes of Indians, for the purchase of lands lying within the state of Indiana, and that the Senate be informed of this opinion, and their opinion requested.”

And the ayes and noes being called for by Messrs. Gray and Hillis, are as follows, to wit:

Those who voted for striking out said resolution from its resolving clause are,

Messrs. Ally, Boon, Brown, Burnett, Dickson, Elliott, Fitzgerald, Hays, Hillis, Hoover, Jackson of D. Jackson V., Johnston of Knox, Ketcham, Lemon, Long, Lewis of F. Lewis of W. Lomax, M’Kinney, Marshall, Matlock, Morgan, Piercy, Ray, Restine, Roberts, Spann, Sweetser, Watts and Wilson—31.

And those who voted against striking out said resolution from its resolving clause are,

Messrs. Bassett, Beckes, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Ferris, Gray, Hanna, Howk, Hurst, Johnston of Pike, Levenworth, Little, Martin, Morris, Read, Richardson, Sargeant, Slaughter, Stevens, Test, Wallace, Work and Moore, Speaker—27.

And said resolution was so stricken out.

The question recurring on the amendment proposed

by Mr. Hays to come in after the word resolved ; which reads as follows:

“That a committee be appointed by this House, to wait on his Excellency, James B. Ray, Governor of the state, in conjunction with a similar committee on the part of the Senate, to inform him that both houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to learn from him at what time he will make such communication, that the Senate be informed thereof, and a similar committee be requested on their part.”

Mr. Sweetser moved to amend said amendment by striking out the words his “Excellency James B. Ray,” and also all the words after the word thereof; which was decided in the negative.

And on the question being put, Shall said resolution be so amended? and the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Burnett, Dixon, Elliott, Fitzgerald, Hays, Hillis, Hoover, Jackson of D. Jackson of V. Johnston of K. Ketcham, Lemon, Long, Lewis of F. Lewis of W. Lomax, M’Kinney, Marshall, Matlock, Morgan, Piercy, Ray, Read, Restine, Roberts, Spann and Wilson—30.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Ferris, Gray, Hanna, Hawk, Hurst, Johnson of P. Levenworth, Little, Martin, Morris, Richardson, Sargeant, Slaughter, Stevens, Sweetser, Test, Wallace, Watts, Work and Moore, Speaker—28.

And the resolution was so amended.

The question was then taken on the adoption of said resolution as amended; which was in the words following:

Resolved, That a committee be appointed by this

House, to wait on his Excellency James B. Ray, Governor of the state, in conjunction with a similar committee from the Senate, to inform him that both houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to learn from him at what time he will make such communication; that the Senate be informed thereof, and a similar committee be requested on their part.

And the ayes and noes being required thereon, by Messrs. Hurst and Beckes are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Burnett, Dickson, Elliott, Fitzgerald, Hays, Hillis, Hoover, Jackson of D. Jackson of V. Johnston of K. Ketcham, Lemon, Long, Lewis of F. Lewis of W. Lomax, M'Kinney, Marshall, Matlock, Morgan, Morris, Piercy, Ray, Restine, Roberts, Spann, Watts and Wilson—31.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Ferris, Gray, Hanna, Hawk, Hurst, Johnson of P. Levenworth, Little, Martin, Read, Richardson, Sargeant, Slaughter, Stevens, Sweetser, Test, Wallace, Work and Moore, Speaker—27.

And so said resolution as amended, was adopted by the House.

Whereupon,

The Speaker appointed Messrs. Hays and Marshall, a committee in pursuance of said resolution.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 8, 1926.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication from John Law, prosecuting attorney in the first judicial circuit, suggesting certain amendments to the criminal code; which was read and referred to the judiciary committee.

The Speaker laid before the House a communication from George R. C. Sullivan, containing certain charges and specifications against Seneca Almy, sheriff of Knox county, praying that articles of impeachment, may be preferred against him; which being read, Mr. Hurst moved to reject said charges and specifications. And the ayes and noes being required thereon by two members, are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Chamberlin, Daniel, Ferris, Hanna, Hurst, Jackson of D. Jackson of V. Levenworth, Martin, Morgan, Restine, Sargeant and Work—15.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Bullock, Burnett, Claypool, Clendenin, Craig, Dickson, Elliott, Fitzgerald, Gray, Hillis, Hoover, Howk, Johnston of P. Johnston of K. Ketcham, Lemon, Little, Long, Lewis of F. Lewis of W. Lomax, M'Kinney, Matlock, Morris, Piercy, Ray, Read, Richardson, Roberts, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Wilson and Moore, Speaker—40.

And so said motion was decided in the negative.

On motion of Mr. Burnett,

The same were referred to a select committee of Messrs. Burnett, Ketcham, Howk, M'Kinney and Stevens.

Mr. Lewis of Franklin, presented a petition of sundry citizens living within the 12th Congressional township, in Franklin county, praying that certain acts of the school trustees in said township, may be legalized;

which was read and referred to a select committee of Messrs. Lewis of F. Boon and Sweetser.

Mr. Lewis of F. presented another petition on the same subject; which was read and referred to the same committee.

Mr. Piercy presented a petition of sundry citizens of Putnam county, praying certain amendment to the criminal law; which was read and referred to the judiciary committee.

Mr. M'Kinney presented a petition of sundry citizens of Franklin county, praying a revision of the law regulating the contesting of elections; which was read and referred to the judiciary committee.

On motion of Mr. Read,

The House took up the petition of sundry citizens of Daviess county, praying to be attached to Lawrence county; and

On motion,

The same was referred to a select committee of Messrs. Read, Long and Little.

Mr. Bullock from the committee on elections, submitted the following report, for the consideration of the House, to wit:

Mr. Speaker,

The committee on elections, to whom was referred the certificate of the returned members of this House, have had the same under consideration, and find the following gentlemen duly elected, and entitled to their seats in this House, to wit:

From the county of Harrison—Benjamin Hurst, Harbin H. Moore and James B. Slaughter.

From the county of Clark—John M. Lemon, Isaac Hawk and Joseph Work.

From the county of Knox—Benjamin V. Beckes and General W. Johnston.

From the county of Wayne—Henry Hoover, Abel Lomax, William Elliott and Caleb Lewis.

From the county of Franklin—John T. M'Kinney and Samuel Lewis.

From the county of Fayette—Newton Claypool and Martin M. Ray.

From the county of Dearborn—Ezekiel Jackson, Ezra Ferris, Horace Bassett and Johnson Watts.

From the county of Orange—John G. Clendenin and Alexander Wallace.

From the county of Washington—Alexander Little, Absalom Sargeant and Abner Martin.

From the county of Switzerland—Stephen C. Stevens and William B. Chamberlin.

From the county of Jefferson—David Hillis and John L. Spann.

From the county of Monroe—John Ketcham.

From the county of Ripley—Merit S. Craig.

From the county of Jennings—William A. Bullock.

From the county of Jackson—William Marshall.

From the county of Bartholomew—Philip Sweetser.

From the county of Floyd—Alexander S. Burnett.

From the counties of Shelby and Johnson—Lewis Morgan.

From the county of Rush—Charles H. Test.

From the county of Decatur—Doddridge Ally.

From the county of Scott—Moses Gray.

From the county of Marion—Morris Morris.

From the county of Vigo—John Jackson.

From the county of Sullivan—George Boon.

From the county of Crawford—Seth M. Levenworth.

From the county of Gibson—Walter Wilson.

From the counties of Vanderburgh and Warrick—Thomas Fitzgerald.

From the county of Union—Thomas Brown.

From the counties of Perry and Spencer—John Daniel.

From the counties of Pike and Dubois—John Johnson.

From the counties of Putnam and Clay—George Piercy.

From the counties of Purke and Vermillion—Joseph M. Hays.

From the counties of Greene and Owen—Eli Dixon.

From the counties of Daviess and Martin—James G. Read.

From the counties of Morgan and Hendricks—
Thomas J. Matlock.

From the counties of Henry, Madison and Hamilton—
Elisha Long.

*From the counties of Randolph and Allen—*Samuel Hanna.

*From the counties of Montgomery, Fountain and Tippecanoe—*Henry Restine.

*From the county of Lawrence—*Lewis Roberts.

The committee further report, that no certificate of election has been returned from the county of Posey, but this committee have received testimony sufficient to induce a belief, that James H. Richardson was duly elected, and that by reason of accident, he is not able to produce his certificate, and that it is the opinion of this committee, that the said James H. Richardson is entitled to his seat. Respectfully submitted.

Said report being read, was

On motion,

Concurred in by the House.

Mr. Hays from the select committee on that subject, reported as follows:

Mr. Speaker,

The committee appointed by the House of Representatives, to wait upon his Excellency James B. Ray, have the honor to report, that they in conjunction with the committee from the Senate, have executed your orders, and that his Excellency has returned for answer, that he has communications to make, and that he will do so, in person, in this House at half past two o'clock, P. M.

Mr. Stevens presented the following resolution, for the consideration of the House, to wit:

Resolved, That it is expedient that the state prison should be situate in the town of Indianapolis, and that the committee on the state prison, be and they are hereby instructed to report a bill, authorizing the building of a state prison as soon as possible, in the town of Indianapolis, together with the necessary provisions for the removal of the convicts and moveable property of the state, at the state prison in Jeffersonville, to the state

prison at Indianapolis, when such state prison is finished.

Said resolution being read,

On motion of Mr. Bullock,

The same was ordered to lie on the table.

On motion of Mr. Richardson,

Resolved. That the judiciary committee be, and they are hereby requested to inquire into the expediency of reporting a bill authorizing the clerks of circuit courts, or some other person or persons, to approve the security and take the necessary bond required by law of sheriffs and coroners, in cases where there is no associate judges, or they have not received their commissions.

On motion of Mr. Little,

Resolved. That a committee be appointed to take into consideration, the law for the relief of the poor, and report such amendments as may be thought necessary.

And be it further resolved, That the secretary of state deliver to said committee, any statements he may have received from the clerks of the circuit courts of the several counties in this state, of the number of paupers, with an accurate statement of the amount of the expense incurred in their respective counties, during the preceding year.

Whereupon,

The Speaker appointed Messrs. Little, Test and Bassett that committee.

On motion of Mr. Read,

Resolved. That a select committee be appointed to inquire into the expediency of allowing a premium on Wolf scalps, with leave to report by bill or otherwise.

Whereupon,

The Speaker appointed Messrs. Read, Roberts and Restine that committee.

On motion of Mr. Wilson,

Resolved. That the committee on education, be instructed to inquire into the expediency of offering for sale, on an extended credit, to be paid by annual instalments, the state university lands in the counties of Gibson and Monroe, conditioned in case of failure, to

comply with the conditions of sale that the lands shall revert to the institution.

Mr. Beckes presented the following resolution for the consideration of the House, to wit:

Resolved. That the judiciary committee be instructed to report a bill to this House, raising the jurisdiction of justices of the peace to one hundred dollars in civil cases.

Mr. Stevens moved to amend the same by the addition of the words following: "or incorporate the same in some other bill;" which was decided in the affirmative.

Said resolution was then read as amended, and adopted by the House.

On motion of Mr. Hillis,

Resolved. That the Senate be invited to attend in the Hall of the House of Representatives, at half past two o'clock, P. M. on this day, to receive the message of his Excellency the Governor, and that seats will be provided for them on the right of the Speaker's Chair.

On motion of Mr. Long,

Resolved. That the committee on military affairs be instructed to take under their consideration the law regulating the militia of the state of Indiana, and if any amendment be considered by them necessary, to report the same on Thursday next, or as soon thereafter as possible.

On motion of Mr. Little.

Resolved. That the committee on roads be instructed to inquire if any amendments are necessary to the several acts respecting public roads and highways, and if any to report the same by bill.

Mr. Hurst presented the following resolution for the consideration of the House, to wit:

Resolved. That the public printer be, and he is hereby authorized to print 600 copies of the journals of this House, for the use of the members thereof, to be distributed as may be by law directed, and that the Clerk furnish said printer with manuscript copies of said journals daily, as soon after being read as possible.

Said resolution being read,

Mr. Sweetser moved to amend the same by striking

out 600, and inserting 700 ; which was carried in the affirmative.

Said resolution was then read as amended; and adopted by the House.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Stevens moved to take up the resolution offered by Mr. Sweetser on Tuesday last, relative to going into the election of a Senator in Congress; which was carried in the affirmative.

Mr. Bullock moved to amend the same, by striking out the word "to morrow," and inserting the words "Wednesday next," which was decided in the negative.

Mr. Howk then moved to postpone the further consideration thereof, until Monday next; which was also decided in the negative.

The Senate came down from their Chamber, and took their seats on the right of the Speakers' Chair, in the Hall of the House of Representatives, the President of the Senate on the right of the Speaker; his Excellency the Governor came in, attended by the joint committee appointed to wait upon him, and in person, in the presence of both houses, delivered the following message:

Gentlemen of the Senate, and of the
House of Representatives:

I am much exhilarated to witness, that the great Author of nature, the munificent disposer of all human concerns, and omnipotent dispenser of every blessing, has, in the arrangement of his providence, permitted us all to assemble here together, in the capitol of the state at this time, prepared to enter upon a performance of the most important social duties, that are embraced within the power of mortals. Nor, are you other than the majesty of a state, charged with a faithful execution of the most holy trust. Gratitude to Heaven for countless favors, as the first fruits of our convention, claims from us an acknowledgment, that without the assistance which we shall derive from the unrivaled wisdom, goodness and power of the Almighty, our most potent efforts to enlarge the

sum of human happiness, would be marked with futility. The whole American family, may well rejoice beneath the smiles of *Him*, whose general superintending hand has protected a Continent, secured *comfort peace and felicity* to its inhabitants, and afforded numerous and peculiar evidences of special indulgence and kindness to a whole nation—to *all its parts*. Many of *His* particular manifestations are evident, on a review of the numerous blessings, which have been experienced during the past year, within our own borders. The people of Indiana, especially, should piously congratulate each other, in the midst of their *own* numerous demonstrations of success and prosperity. All that the most ardent could rationally wish for, has fallen within the lap of the state. The history of other nations furnishes us with no parallel for our gigantic growth. "A wonder amongst wonders," our amazing young state, with each annual revolution of the earth, seems destined by the force of circumstances, and the energies of her people, to outstrip the geographer with all his sagacity; to develop some dormant treasure and exhibit to public view, some fascinating prospect, eminently calculated to attach our citizens to their homes and country; and to enable us to look perspective to the period, when we shall be amongst the first in *power, wealth and respectability* in the grand confederation of North American states. Were any to suppose that this were a pleasure of imagination, let an appeal be made to facts and reasonable results. We do rise to eminence, as if by the power of enchantment, and already begin to conceive designs that would be creditable to an old and powerful nation. Whilst another year is recorded in the calendar of time, Indiana has no occasion to look back with regret upon any calamity that has befallen her. Her march has been steady and dignified to happiness and greatness. No convulsion has affected her clear political elements. Her inhabitants have been favored with *more* than their accustomed good health. The seasons have left bountiful evidences of their effects upon the vegetable kingdom. Her fruitful soil has produced its usual abundance, and rich variety. The country, though new, is filled with plenty. Each countenance beams with thankful joy, and as many hearts leap with reverential gladness, for the kind guardianship of the "giver of every good and perfect gift."

The salubrity of the climate, the exuberance of the soil, the just, equitable and excellent character of our institutions, and the natural and anticipated artificial advantages of the country, arrest the attention of the emigrant as soon as he enters the territory of Indiana; and he at once resolves to discontinue his deambulations and become a citizen. The stranger

and traveller on passing through the country, receive the protection of the constitution, become delighted, and resolve to settle with us. The tides of emigration in rapid succession, *still roll on*, in a wondrous manner, from all parts of the Union, and the old world to the *west*; so much so that no accurate estimate can be formed of our annual increase of population. Our forests are daily yielding to the axeman, and disappearing before his strength, resolution and industry. The children of nature, fly still further towards the setting sun. The wild beasts quickly become alarmed, and retreat still further into their native "boundless contiguity of shade." Tract upon tract of wild land is constantly reclaiming, and bringing into cultivation. All seem one busy scene of bustle and preparation, "and the wilderness and the solitary places are becoming glad," and "begin to blossom as the rose." Religion, virtue, morality, industry, economy, order, and a love of freedom and of country, are striking characteristics amongst the new multitude.

Whilst our numbers have been augmented in an unparalleled manner, by the astonishing rush of migration to the west, we have also the consolation to be made sensible, that we are with *them*, acquiring the sciences, arts, artists, wealth and intelligence. The late residence of the wild man of the woods is becoming vocal with praises to the Supreme Being; and the construction of primary schools and public edifices are beginning to swell the bosom of the philanthropist and to exhibit a picture of active enterprise. A general spirit of enquiry is abroad in the late wilderness, and a thirst for knowledge is discovering itself amongst all orders of our people.

Our political condition, as a state, and as a member of a great and flourishing nation, also continue yearly to improve; and we are gradually becoming more firmly established in our excellent institutions, and admirable form of government than ever. The triumphant march of liberty, in the midst of the surrounding nations, furnishes us with confident feelings for rejoicing, gives security to us and our much valued institutions, and leaves with us, a conviction that the period is just before us when the emblems of universal freedom will proudly float upon the antiquated and strong towers of aristocracy and error—when the principles of legitimacy and misrule, will dwindle into insignificance, before the progress of light and reason. The mighty and successful efforts that have been made in the south, in the cause of freedom, whilst they have added strength and security to us, have necessarily engendered a new train of thought, and produced some original and happy conceptions, as to the science of government.

The flight of tyranny from those neighboring countries, and the establishment of rational and well regulated governments of the *people* there, not only give stability to all that are free, and enable them to assume an imposing attitude before those that are not; but virtually put an authoritative crown upon our country's independence; put a negative to European speculations, as to the ephemeral existence of popular communities, and infuse health and vigor through the whole body politic—hence, whatever tends to secure general tranquility, and place all the republics upon the safest and best footing, deserve general support.

We doubt not, but what the Congress of Panama had its origin in patrician reflections about the safety and ultimate glory of the new world: the great mind that conceived it, was not inattentive to the dearest interests of the human family. It was deemed essential to the good understanding that should exist amongst neighboring and rival nations. With all its imposing *Amphictyonic* grandeur, in the midst of a cluster of powerful republics, it is believed that it will be incapable of losing sight of the design of its creation. In acting as an arbitrator and conciliator of differences between states: regulating commerce and perfecting the theory of civil liberty.

That our councils may be enlightened, and our deliberations made useful to our fellow citizens, we cannot recur too frequently to the local geographical position of our state. Indiana is situated within the temperate zone, where all the necessities of life are produced with as little labor, and as abundantly, as in any other region of America. Her natural advantages are very numerous, and when properly improved by art, must present to the most difficult to please, all that is desirable in nature. At least three hundred miles of one side of her territory are washed by the great and useful Ohio river. The beautiful Wabash also meanders along and through another portion of her boundary, upwards of five hundred miles. The White rivers run through her centre upwards of three hundred miles. Besides these principal streams the whole face of the country is chequered by smaller water courses; amongst which in the inhabited part of the state, the Whitewater and Blue rivers

may be reckoned the principal ones. Upon these water courses with many others of less magnitude, rest the hopes of the merchant and agriculturalist at present, in common swells of water to export the accumulating surplus produce of the country to a *southern* market. On the north the southern bend of Lake Michigan is found within our boundary, about one hundred and fifty miles from our seat of government.

From this point, there is an uninterrupted water communication, to the renowned commercial city of New York, the safest and best market in the United States. Two streams, the St. Josephs and St. Marys find their source in the state of Ohio, form the Maumee at Fort Wayne, in this state, which, from thence discharges its waters into Lake Erie. These are the natural facilities that are presented to the north to reduce western produce into money. There are thirty seven thousand square miles in the state, and nine tenths of all this land is susceptible of cultivation. This will support a population of ten millions of souls. An industrious and virtuous race of people are rapidly preparing these extensive domains for the plough: so that in a little time, we may expect that the granary of the husbandman will be overflowing to waste, with the various productions of the earth, without an opportunity of selling them. These results in the regular course of things, will take place. Thus situated, let us arise, look around us, examine our condition and resources, and see what can be done to meet the exigencies of the times. The yeomanry are the pillars and support of the land, and they must be rewarded. It is the farmer that gives countenance to every other avocation. Agriculture, with many ceases to be an honorable pursuit, so soon as it fails to be profitable: and whenever circumstances connected with public opinion shall withdraw that class from their legitimate employments, the flower of the land becomes at once neutralized, and general wretchedness is the fatal consequence.

The labourer, to give him resolution, should always have before him a prospect of certain reward. When he is not stimulated with the expectation of receiving

an ample recompense for his toil, his energies becomes paralyzed, and his views are contracted within the narrow compass of domestic family consumption. This prospect of a full reward for labor, will always be certain or hazardous, in proportion to the distance, which the commodity, the product of it, has necessarily to be transported for consumption, sale or exchange; and in proportion to the facility with which the conveyance is effected. Add to this, that *time is money* to the laborer, and that labor is the wealth of a nation; and it results that every obstacle which is in the way, that unavoidably consumes time, and employs the laborer in reaching the market he seeks, not only impoverishes the country, but reduces the aggregate sum finally received for the article in an exact proportion to the time lost: so, that every reduction of distance and every improvement which are made for travelling, are a saving of time and money, of individual and public advantage.

From these considerations it is evident that the settlers of a new country, must be subjected to many privations and a heavy indirect tax, imposed upon them by the rude deformity of surrounding nature. To them, finding access to any place that is serviceable, diminishes the real value of every ponderous commodity much, before they can get into the possession of an equivalent for the remainder. Although this kind of a tax exceeds ten times the amount which is yearly paid for the support of the government, yet it appears that it has escaped with less consideration, and more indifference, than it. Nothing is at stake in the assertion, that the absence of public works and artificial aid, are the heaviest, deadliest weight that bear upon this country, and are the capital causes of complaint with the grain growing interest. It is certainly these thick and iron featured forests, obstructed navigation and neglected unimproved roads, that create the prime, though seemingly unseen cause of murmur, at the reduced price of our staple commodities. Obviate these surmountable barriers to general prosperity, and you will at once infuse new life into our fellow citizens. If you are at present awed into dull neutrality by the fear of public opinion,

be assured that the hour of releasement is at hand. The prejudice which exists in some places against internal improvement, is redeeming itself. The whole country as if by one universal impulse, is moved by the master spirit that is abroad. Lead the way, bring home visible benefits to the doors of your constituents, and you will confidently hear from that same dreaded public sentiment, a favourable echo. The people will consult their own interests; and the force of information will induce them to yield to what is right. It is not denied that the true remedy for these grievances, is ultimately to be found in their wise, thoughtful and patriotic determinations; and experiment upon experiment will make them sensible, that the one half of the tax they pay upon the transportation of those articles they *buy and sell*, will place them upon the vantage ground, and put a period to those dangers, sacrifices and delays, that hang like an Incubus upon the country. If we "fold up our arms," and make ourselves easy whilst our condition is barely tolerable, under the expectation that some foreign revolution will restore to us those times that are gone forever, and change the countenance of affairs, we may in the end find, that we were deluded by a false hope of visionary benefits, which shall never be realized; leaving that time inertness, a blank in the history of our rise to eminence and glory.

On the construction of roads and canals, then, we must rely, as the safest and most certain state policy, to relieve our situation, place us amongst the first in the Union, and change the cry of "hard times," into an open acknowledgement of contentedness. *The rough appearances of nature, must be overcome, and made to yield to human enterprize. Our waters must be imprisoned in new channels, and made to subserve the essential purposes of commerce.*

As the construction of roads are not so expensive as canals, and more applicable to the present resources of the state, allow me to request that, that subject may command your calm and unbiassed consideration. View deliberately their construction, as your vital in-

terest, seize the first occasion to prepare for the work, and a brilliant reward is certain.

Situated as we are upon the globe, we have but one alternative, which is, to force our way to the Lakes, and to the great rivers that run into the seas; and if we have not the means at present to make artificial channels through the earth for our necessities, let us no longer look with indifference upon those *secondary* improvements, so honorable to a state and beneficial to its inhabitants. We must strike at the internal improvement of the state, or form our minds to remain poor and unacquainted with each other; and those great projects to which we are so strongly invited by *nature, policy* and *honor* must exist only in idea, and their usefulness remain undeveloped.

This generation is speedily passing away, and if *we sit still*, posterity will see nothing in our actions that is worthy of their admiration. Whilst our sisters around us are rearing eternal monuments of their energies and public spirit, we have looked and admired, but have been too timid to imitate!!! Something has been done by the general government and something by the state, to locate and improve roads; but much more remains to be done, before we can feel their utility. Many roads have been defectively opened under the authority of this state, but the manner they have been kept in repair, from the state they are now in, are striking evidences of a defect in our road system. Too much reliance is placed upon the three per cent. fund. If that fund, after it is divided amongst the whole number of roads in the state, shall be found insufficient to make them passable; and if the state is not in circumstances to appropriate monies from the treasury for that purpose, a just regard to your duty and the rights of your constituents, will prompt you to call into requisition, such additional labor of the people upon equitable terms, as may be thought sufficient to improve in a proper manner our numerous highways to such an extent as a due respect for individual rights will admit of. Whoever reflects that labour upon the public highway is not industry lost, bestowed to accomplish a pur-

pose of common advantage to the whole community, in which each individual can participate, will cheerfully comply with any reasonable demand which you may think fit to make. The patriotic citizen will submit to it with alacrity. Your law on this subject, should contain what the existing one does not, a *severe* punitive clause against the supervisor for neglect of duty. The present laws are barely directory and have no sanction. I would give the supervisor a compensation, and then compel him to a strict performance of the law. Without some such course as this, we shall continue as we are, having our statutes violated with impunity, and our roads neglected.

Mr. Knight, the enterprising individual, entrusted with the location of the National road, has at length reached Indianapolis with a random line; and to the line dividing Ohio from Indiana, with a permanent location. In the spring, he will repair westward towards the point of destination. A renewed expression of our belief, that congress will continue to make adequate annual appropriations for the continuation of this extensive thoroughfare from East to West, will be allowable, interested as we are in its speedy completion. We cannot suppose that the plighted faith of the United States in this particular will be violated, but that the road will go on with the same regularity that has hitherto marked its progress, until it comes in contact with the dark wave of the Mississippi.

Your attention is again called to the situation of the two White rivers and Whitewater. These streams afford a good navigation, during several months in the year. The flat bottomed boat can descend them with her cargo; but there are several places in the rivers where large piles of driftwood are collected, extending across the stream, which subject the vessel to imminent danger of being wrecked. These collections of drift with some sawyers in the bed of the channel, and one or two inconsiderable falls in the White rivers, embrace the impediments to the navigation of these water courses. Considering the extent of country which these streams pass through, the density of the population near them, and the multitude that depend upon them, for the exportation of their surplus produce, as well as the small amount of money which will be required to remove the obstructions in them, I would respectfully recommend an appropriation for that purpose. I am apprized that there are other water courses in the state, that also deserve your favorable notice, but as our means are inconsiderable *yet*, for any of these objects, the largest and most useful should first enlist our attention.

By the attention of our delegation in Congress, and the special favor of the heads of department of the general govern-

ment, a corps of Engineers entered the state during the last spring, with the view of operating here, with the worthy, but now deceased Mr. Shriver at their head. The intelligent Mr. Shriver's plan of operations for the *season* was to enquire into the practicability of the *Whitewater* canal, by making an examination of the country from the Ohio river, at Lawrenceburgh, through the valley of Whitewater to Fort Wayne; and to ascertain the practicability of connecting the waters of the Maumee with the Wabash by artificial channel; and to make surveys and estimates of a route for a canal through the valley of that stream if necessary. After attending to these two projects, he expected to repair to the Falls of the Ohio, in obedience to special instructions to inquire as to the practicability of a canal around the Falls of the Ohio, and to prepare a plan and estimate of the same. A summons to leave the world has taken this competent engineer away, without allowing him to effect his purposes to any considerable extent. But Major Moore is the successor of the deceased, who has been some time in the field, in the execution of the above mentioned plan. His labors have been crowned with complete success to the north. He has ascertained that the connection of the Wabash and Maumee is altogether practicable and easy. The two waters can be made to mingle at an expense not to be compared with the magnitude of the work. From the St. Marys, the adopted feeder, to the mouth of Little river of the Wabash, the deepest cut through the summit level is only twenty feet. Major Moore, not having completed his examinations in that quarter this fall, expects to return to his station in the spring, when we shall be furnished with official estimates of this contemplated canal. So soon as this takes place it will deserve the most serious consideration of the legislature, whether the *honor* and *interest* of the state will not strongly invite her to complete this almost natural connection between two navigable streams, whose waters flow to a northern lake, and towards the Atlantic ocean. We remain uninformed, whether any thing further has been done, at the Falls of the Ohio, in the Whitewater country, or elsewhere, by the board of engineers, which would seem to require any special attention at this time.

In inviting your attention to an improvement of the Wabash falls, near the mouth of White river, it is with much satisfaction that I can bear testimony to the liberal spirit indicated by the state of Illinois, to assist in the removal of those obstructions, in that great common highway to market. From a copy of an act of the state of Illinois, which has been transmitted to me, together with a memorial relating thereto, (all of which I lay before you) it will appear that, that state has incorporated

a company under the belief, and possessing efficiency only on the contingency, that Indiana will meet the proposition of that state by the passage of a similar law. Being satisfied of the urgency of this measure and the usefulness of the design, I must recommend a hearty and an immediate co-operation with our sister state in this laudable scheme. As the proposition first emanated from us, to make this improvement, and has been generously responded to by Illinois, a charter with powers coextensive with theirs, and commensurate with the high object, is expected from you.

It appears by an official communication made by the Governor of Michigan, to the council of that territory, on the 6th ult. that an opinion is entertained by him, that the northern boundary of this state is yet unsettled; and that our boundary extends ten miles too far north. He seems to predicate this opinion upon the ordinance of Congress of the 13th July, 1787, which, formed the basis of the governments north of the Ohio river. He presumes that the compact fixes a definite line between the state and territory, north, which remains unaltered.

If this question were to be tested by the compact *alone*, the east and west lines of Indiana, by a liberal construction of that instrument, might be extended on parallels, to the British dominions north, *until* Congress think fit to form another state, in the middle range of states authorized by the ordinance. The 5th article of the compact, authorizes Congress to form either *three* or five states at their *discretion* within certain limits; and but three have yet been formed. That article also reads under a proviso, "that if Congress shall *hereafter* find it *expedient*, they shall have *authority* to form *one or two* states in that part of said territory, which lies north of a line drawn *through the southerly bend or extreme* of Lake Michigan. Now, this is only a *power* delegated to Congress, which they *may* or *may not* exercise. They are not bound to form *even one* state north of this line; and may do *one* or the *other* of two things as to boundary. The worthy Governor of Michigan siezes upon this *disjunctive* phraseology in the compact, and makes it read "*southerly extreme*," giving it a conjunctive interpretation in support of his position. Without now attempting to shew the immense difference between these two propositions, suffice it to say, that the kind of language used in that member of the sentence, was sufficient to justify an expression of Congress on the subject, and to induce them to *define* the boundary; the rather so, as it depended upon political contingencies, whether that territory would ever be organized into a state—Hence Congress passed an act authorizing Indiana to form a constitution and state government—she forms her constitution, and in it she establishes her bound-

dary, ten miles north of the southern *extreme* of Lake Michigan; and *through* the *southern* bend of the same, in the language of the ordinance. This constitution underwent the most solemn ordeal before the Representatives of *all* the states, by a vote was received, and the state admitted into the Union with this article. As the ordinance did not *establish* the line, but only gave *power* to do so if Congress thought it expedient, the state had a right to propose to that body to fix it, in her constitution. Were there any doubts as to the terms of the compact, are they not removed by the formal consent of the states to the ratification of the constitution, *including Virginia*? The conclusion which I would draw, is, that there was no *definite* boundary fixed by the ordinance, and if there were, the whole is rescinded.

In the month of October last, the diplomatic agents of the United States, held a treaty with the Miami and Pottawattama Indians, in the valley and on the north bank of the Wabash in this state, with the view of extinguishing their title to lands. This negotiation, with great labor, resulted in a cession of between two and three millions of acres of land to the United States, lying within the limits of this state; which, will doubtless soon be surveyed and offered for sale. Having explored a considerable portion of this newly acquired territory in person, I can speak with certainty as to its real value and advantages. This country lies on the north and west sides of the Wabash, west and south of the two St. Josephs, and bordering on Lake Michigan. No new country can present greater inducements to the emigrant. It cannot be said, that it is the garden of the Hesperides; but with its rich soil, permanent streams for manufactures, living springs, extensive quarries of limestone, thick and durable timber, healthful appearance, and good natural position for commerce, it may be esteemed as the first new country in value, now in market in the government. In it, an industrious and economical people may grow rich and happy.

The timid Indian, parted with this excellent country with painful reluctance. Melancholy experience tells them the consequence of it. They know that their game will fly from the approach of that bustle, which accompanies the location of the white man; and they love the country of their birth, and the home, and graves of their Fathers, too well to follow it. The Miamies retain a little spot of land to live on, which they call their bed, which, they have resolved never to part with. It contains the bones of their ancestors. This handful of Miamies is a proud, though feeble remnant of a once powerful nation. They have dwindled down into a few families, under

the operation of their own horrible, revengeful, and retaliatory laws. They now read their destiny, in the approximation of civilized society. They are wasting away, and will soon be gone, without a change in their manners and customs. Being uncultivated and savage in their very natures, when spiritous liquors find their way amongst them, which they always use to excess, all the native, fierce and fiend like passions of their soul, are aroused by its influence, and they cause blood to flow copiously from each others veins. These frightful revels, produce murder upon murder in cool blood, to gratify a furious spirit of revenge. These, though once our enemies, are human beings, and are under the sovereign jurisdiction of the state. Shall we stand still, unmoved, at these spectacles, giving a license to such brutal butchery? Can we see them thus sinking under the clods of the valley, unnoticed—uninformed—unrestrained in their deeds of violence? Is *their* blood not spilt in our peace, on our soil, under our eye? Nor is it always Indian blood. I am informed there are not twenty genuine Miamies in that nation. The white male and female, have long since intermarried with them; and the colour of their skin is changed. This being the condition of the native people of this land, shall we not interpose and check some of these prevailing sine amongst them? A law inflicting a heavy punishment upon such as shall *give* or *vend* spiritous liquors to an Indian, would have the most salutary effect; and let the penalty be given to the informer, as an inducement for discovering the offender.

The Pottawatamies do not carry this exterminating principle, to such cruel lengths as the Miamies; (but they nevertheless love whiskey too;) they believe in its correctness, and would feel the happy consequence of the law. The time has been, when they have all lived without this mad water, and they can do so again.

But whilst we are lashing the foibles of the Indian, shall we permit the same vice in the white man to escape our notice? The use of ardent spirits to excess, with us, is beginning to make alarming stains—deep, indelible impressions, on our own character. In some of the states it is said *habitual drunkenness* is punished in a house of correction, and in others some other punishment is inflicted. Some odium ought to be attached to the practice in Indiana. Whoever is so regardless of social duty, as to destroy himself by strong drink to the injury of *himself* or *family*, under habitual intoxication, should be made to smart under a penal law of some kind. I earnestly recommend this subject to your consideration, relying upon your better judgment for an appropriate punishment.

By the treaty with the Pottawattamies, a valuable and extensive grant of lands is made to the government for an important and interesting national and state object. That we may be sensibly penetrated with its magnitude and utility, I will ask you to indulge me in making a few cursory remarks in support of the grand project. Michigan, being the only lake in the north, that belongs exclusively to the United States, it is but reasonable to infer, that we will be more partial to it, than to those in which the kingdom of Great Britain claims a common right with us to occupy. On this large and splendid lake, a navy can sail on water that is altogether American. On every shore of it fortifications may be erected, on ground that is our own, and there our flag can wave. Hence, if our old enemy should ever again call us to the strife of battle, we must expect to meet her in the north; and this lake being the nearest to the bulk of western soldiery, will be looked to as the theatre of operations. The first land to the north of this lake is England's, and will be the landing place of herself or allies. Should such an unwished for calamity ever befall us, and a requisition should be made upon many of the states of the west and south, for their quota of militia, with orders to meet a foe to the north, it will be easily believed, that lake Michigan will be the place of rendezvous. Troops and munitions of war would necessarily, have to pass in performing the march the nearest route through the centre of Indiana; and of course the march must be performed on land. The importance of a good road from the lake to the Ohio, opening a direct communication between them, consequently becomes obvious in a *national point of view*. Add to this the facilities that such a work offers to the emigrant from many of the states, who is in search of these rich, new countries, and even that very one which has just been acquired, and its necessary connexion with the principal objects of the treaty, and its general usefulness will be still *more* manifest. Such a road will point to the heart of Kentucky, and she ought to be alive to its success. These considerations taken in connexion with the incalculable advantages, which would flow to the people of Indiana from its construction—the character that it would secure to the state—the choice of markets that it would present to our citizens—the money that its creation would scatter amongst the laborers—the inducement which it will hold out to settle the wild lands of the United States—the circumstances that it will cross the National road at right angles at our seat of government—the assistance that it will give to the farmer and merchant in transporting heavy articles to and from the lake or the Ohio at pleasure, and the general figure it will make upon the map

of the state; all combine together, to demonstrate the *expediency* of the measure. To make such a road the grant of land was incorporated in the treaty. One hundred feet in width from the lake to the Wabash is given for the road to rest upon; and one section of good land, contiguous to, and on each side of the same, is also granted for making the road, *for each mile*, from lake Michigan to the Ohio river, by the way of Indianapolis. Such is the foundation which is laid for this great road. It will now be for the President and Senate of the United States, to approve of the grant. This I sincerely hope for: and if you think with me on this subject, I must request of you a prompt expression of your views by way of memorial, to be sent to the City of Washington before the treaty is acted upon. I can see no good reason why this article should be rejected. A similar provision has been made for Ohio; and the principle has received the sanction of the Senate of the United States. The grant severs the remaining Indian possessions; and when the land granted for this purpose is settled, it will weaken the attachment of the Pottawattamie to his country. Furthermore, the land may be located in the Indian country; and in the event of a non-ratification will revert to its original owners. I flatter myself, therefore, that it will be retained for the internal improvement of the country, rather than to see it lost. As it is so grand a project of national and state aggrandizement, let us, I pray you, *unite* in soliciting its success.

But, while our best energies are exerted, to improve the natural advantages and to bring into active and useful exertion, the various resources of the state, shall we leave to neglect, the culture of the mind, the education of our youth, and the advancement of science and intelligence amongst our fellow-citizens? The reflection, that we are deeply responsible to our successors and to posterity, for a march of intellect co-equal with the flowing increase of our population—with the regenerated spirit of the age—and for a diffusion of light and knowledge in proportion to the brightening rays which daily beam new lustre on our falling forests, forbid it. The awakened zeal of the world in the cause of mind, and the golden opportunity which *we* possess, to shine in the republic of letters, forbid it. The pride of our state, aroused by the noble examples of her sisters, calls on us to be no longer indebted to them for the progress of knowledge and science. And the time has ful-

ly come, when our prospects and circumstances will permit this heart-cheering subject to receive the fostering attention and countenance of the legislature. Those governments that exist through their usurpation, frauds and force, and whose principle is fear, require an ignorant populace; but in one like ours, where virtue is the principle, and *reason* alone moves the great machinery, intelligence is the rock on which all hope is reposed. I would therefore, earnestly suggest the propriety of extending the means of the state to the furtherance of the object, with such liberality as our combined means will justify. With the control of the available donation in lands, which has been vested in *you*, for the use of a seminary of learning, and of the section reserved to the *inhabitants* of the several congressional townships for the use of *common schools*, a treasury filled beyond the correspondent charges against it, and a people anxious for the dissemination of useful knowledge to applaud you, I have every confidence that the subject of education from its *first* principles to its more *advanced* and liberal summits, will receive your unreserved sanction and effectual encouragement. It must be admitted, that these lands subjected to our use for the best of purposes, although intrinsically valuable, are at present in a great degree, either wild, and covered with nature's rank, rich, uncultivated growth, (as is to be feared are the minds of too many of our rising youth) or only so partially improved and tenanted, as to be of but trifling avail now, and of little promise to the future. The propriety is therefore respectfully submitted, of giving such permanency to the management or disposal of these various tracts, as will leave an *immediate* aid and spring to the high objects they were designed to advance. The public Seminary at Bloomington, with the exertions of its directors, and of the scientific professor under whose immediate charge the institution, with every propriety is placed, is advancing in usefulness and character. It is presented as deserving your paternal care, and as requiring only your favorable countenance and support, to ensure its permanency and respectability. If the

judicious intimation in our constitution as to a sale of the seminary lands after the year 1820, should be repulsed by your views of policy, and our state institutions are left solely to rely upon the proceeds of those lands for support, you can then, easily be made sensible of the necessity of appropriating something from the treasury towards the improvement of this rising seminary. Books, apparatus for the illustration of the sciences, and a decent compensation to the professor are indispensable pre-requisites to the success of the college. With such ample resources in land as we possess for building up and patronizing a great state institution of learning, in Indiana, she should no longer indulge herself in a state of passivity on this subject, but at once admit the truism, that letters and intelligence are the precursors of power. Education made the Greeks good members of the commonwealth by enabling them to acquire such arts and habits, as rendered their services available, in peace or war. In the most flourishing period of the Roman republic, literature had a patron in every great man; and instruction prepared all orders of their youth for the senate, the bar, or the field. But here in this land of freedom more than any where else, knowledge is our sword and shield—hence let us gird upon posterity this formidable panoply, and the republic is safe.

That section of land in each congressional township, for the use of common schools requires your particular notice. The laws regulating these lands are susceptible of improvement. Something should be done to prevent the commission of waste upon them. To find the most effectual preventive there is some difficulty. What strikes me as most likely to succeed, under the present mode of disposing of them, is to give long leases for a certain and determinate term of years, on a yearly ground rent, and to subject trespassers to an indictment in the circuit court. In this way you may create such an interest in the lessee as to induce him to preserve the soil and timber; whilst on the other hand you threaten him and all others with the terrors of a public prosecution. You will find that the law regulating

these sections, is extremely loose, having no vindictory clause. The example, however, which Ohio has set in getting an act of Congress passed for the sale of similar lands, may influence your decision, and induce you to embrace that course. Whatever plan you may devise, let it have uniformity in view. There are already leases given in this state on these lands for almost every term, from five to ninety nine years. This will present great confusion, to the future legislator, if he ever concludes to dispose of the right of soil.

All well regulated states both ancient and modern, have viewed the acquisition of knowledge as the most essential requisite, to the strength, prosperity and durability of government. Useful information may be obtained, from the most remote periods of antiquity, the middle ages, or more modern times, by reading. No period of the world, however, can admissibly compare with the last half century for the general diffusion of that kind of information which relates to the interests of the social compact. Great geniuses have appeared, and furnished new theories for investigation and reflection. Intelligence seems to be flying with immense velocity, from one quarter of the globe to the other; and every annual revolution of the earth, discovers some hitherto hidden invention, that is valuable to mankind. The press is a principal auxiliary to the march of mind: and *books* are the *records* of man's mysterious but exalted character. States, therefore, and particularly republican ones, should provide themselves a library whenever their means will justify it. In this age of successful experiment, and improvement, they should have under their control and accessible to their public functionaries, such historical, political and scientific works at least, as concern those principal measures, which most agitate their councils. I presume you are already apprized that Marion county sets up a claim, under the constitution, to something from the sales of town lots here, for a library. As I anticipate you will recognize this claim to some extent, a union between the two interests would be advisable. I would therefore, respectfully, from all these considerations, recommend to you,

to set apart a respectable fund annually for a public library, to be subject to such detail as you may prescribe by law.

I must here observe, that during the last summer I had the pleasure to receive from Mathew Carey and others, the acting committee for the Pennsylvania Society, for the promotion of internal improvement, proposals for publishing by subscription, under the auspices of that Society, the reports of William Strickland, Esq. agent for the society, on a tour through Great Britain, with a request that this state might take some copies of the work. The prospectus itself, which I will lay before you, will shew the design of the publishers. This work will be useful. It is to unfold to us a correct knowledge of those sciences which are not generally understood, but becoming the most useful to the statesman. Wherever a correct knowledge of the principles of canaling, and constructing rail and turnpike roads are appreciated, the necessity of these publications will be admitted. The work will contain eighty engravings and cost ten dollars. I would advise a subscription for a few copies.

I have the honor to lay before the legislature, two communications of Mr. Peale, the last surviving artist who enjoyed the privilege of painting the portrait of General Washington from life, in which he tenders to Indiana the opportunity of procuring a copy of the likeness of that great and good man.

The Books of the agent of the state for Indianapolis affairs, shews, that 165 lots have been relinquished and forfeited to the state. The amount these lots originally sold for, in the year 1821, is \$17,506 25. Good faith requires that all the public buildings should be erected on the different squares laid out in the town, as soon as the means can be raised to do so. To this end, therefore, a sale of in lots, a re-sale of the forfeited ones and a sale of some out lots would be advisable. I would divide those lands of the donation, lying without the present surveyed out-lots, into parcels of twenty acres.

As circumstances not necessary at this time to mention, have induced the reduction of the agent's salary below what that officer *ought* to have for his services, I shall hope that the propriety of an increase of compensation, will claim a place in your deliberations.

The concerns of our state prison and some reflections connected with it deserve your examination. At this time, the penitentiary is crowded with convicts. The cause is obvious. We have not been sufficiently attentive to a provision in the Constitution, making it the duty of the General Assembly "to form a penal code founded on the principles of reformation, and not of vindictive justice." Nor have we adhered to that good legal maxim with a proper pertinacity, that *certainly* and not severity of punishment is the surest way of preventing the commission of offences. The nicest discrimination is also necessary, in the gradation of offences.—While cruel and disproportioned punishments are inflicted for slight and trivial offences, dangerous motives are created for suffering offenders to escape altogether. Mercy of necessity should shine forth in the laws themselves, and not in the execution of them: Courts, it seems have no power to commute offences; and where the conviction appears doubtful, or the punishment looks to be unreasonable for the crime, they are too apt under the influence of those sympathies at all times honorable to human nature, to excuse themselves from a re-investigation of the case, and throw the responsibility of the decision upon another department of the government, petitioning the Executive for the exercise of clemency. He must act (not knowing the facts of each case) upon such information as is laid before him. The exercise of the pardoning power by the Executive, is at all times, even upon the request of the court, and jury who tried the cause, or the people, truly a delicate matter, and should have advocates in such cases only as imperiously require it. But such is the natural consequence, growing out of penalties, bearing no just proportion to the moral turpitude of the crime. Under the influence of the same merciful feelings, juries frequently after convicting, immediately recommend the culprit to

the consideration of the Governor, for the *same cause*; and assigning too frequently *the very reasons* for a pardon, which ought to have acquitted the defendant on the trial. I fear that we have too many penitentiary offences, either for the interest of the state, the purpose of example, or the reformation of the culprit. Look in your penal code, for instance, at the punishment of larceny. The convict may be imprisoned as long in the state's prison for stealing a penknife, a yard of tape, or an apple severed from the tree, as for an hundred thousand dollars.

I would therefore recommend to you, to make prudent distinctions between offences, and especially in the crime of larceny. I would settle upon such a value for grand larceny, as should imprison the person that commits it, for not less than *years*. But petit larceny may be fully and advantageously punished in some other way, such as labor upon the public highway and the loss of all privileges. Be pleased, therefore, to let me press upon you, this other section of our constitution. Art. 4, Sec. 16. "All penalties *shall* be proportioned to the nature of the offence." Before I dismiss this subject, I am constrained by a proper sense of duty, and a due sensibility for the unfortunate, illiterate portion of the community, to assign another cause for the number of convictions for crimes and misdemeanors, whilst I shall respectfully propose a remedy—a remedy novel, but not the less reasonable, for it bears the impress of its own philosophy. The laws of the land of a criminal and penal nature, are not sufficiently promulgated and known amongst the great mass of the people, upon whom they operate, to apprize them of their character and provisions, so as to enable them to avoid their violation. How many industrious, enterprising and virtuous citizens are there amongst us, who cannot even read the law; and how many more must there be, whose abilities enable them to read, but to whom our statute books are inaccessible, your experience can tell?

How, then, are *these* to learn the long catalogue of crime, &c? Must they know right from wrong instinctively, and be responsible in life, reputation, person

and property, for the errors of opinion and action, as to moral duty? It is not every one that has happily been educated in a christian school of theology. Some there are, who have never seen the excellent precepts of the bible. Without a knowledge of laws, either human or divine, the distinction with such, between *right* and *wrong*, is a mere creature of opinion and depending upon present circumstances. Nothing can be harder in its operation in such cases, than the acknowledged maxim, "ignorantia legis, neminem excusat." Again and again are offences committed ignorant of the law that created them, and the first intimation that the innocent violator receives of his transgression, is accompanied with the thunders of an awful prosecution. I would, therefore, advise a re publication of the criminal code as soon as practicable, to be circulated amongst the people; and I would also advise that you require the president judge or prosecutor of each judicial circuit in the state, on the first day of every court in each county, to read in the court house the acts defining crimes and punishments, with proper illustrations, with such common law offences, as shall be supposed may be committed.

This would have its good effect upon all conditions of the people, the illiterate especially. So soon as this mode of promulgating the laws becomes notorious, those who are anxious to be loyal and obedient citizens, and whose rights should be protected, will avail themselves in great numbers, of this fine opportunity of learning their legal duty. I will here also take the liberty of recommending, without comment, for the sake of justice, that you do extend by law the privilege to a criminal and the state, of asking the jury before they are empannelled and sworn, *whether they have formed or expressed an opinion of the defendant's guilt or innocence.*

In the reduction of the standing army, the United States placed every confidence and reliance in the militia of the several states. That the *citizen soldier* is the bulwark of our defence, is a principle too generally admitted at this day, to be in the least strengthened by an assertion of mine. Hence, the states should possess

the means of sustaining this exalted opinion of their prowess. A co operation with the union on the part of the states, to assume an attitude of preparation for emergencies, deserves our unqualified acquiescence. A presumption like this, induced Congress by their law, to provide for arming and equipping the militia of the states.

This state has been made to feel in an imperfect manner, some of the advantages of this enactment—imperfect, on account of a continuous listlessness with us, to this momentous purpose. We *unofficially* know that this state has already received a handsome supply of arms and munitions of war, but where, or in what condition they are, is the subject of conjecture? The congressional act of 1808, contemplates state legislation for their reception, distribution and preservation; but silent we have remained to these high considerations. Irreparable injury is the consequence. A law should be passed providing for the organization of a Quarter Master General's department, and defining his powers, or giving a discretion to make such rules as he may deem necessary to carry the object of the act into effect, with power to enforce his orders. The object of such a statute would be, to ascertain what kind of arms, and how, and to what extent they have been received in this state, and to provide for their future distribution and preservation? A compensation should be allowed adequate to the service, labor and responsibility of that officer.

The attention of a former legislature was called to the propriety of improving our statutes for the benefit of the poor. A law was passed last session, making it the duty of the clerks of counties by the first day of September, to certify to the Secretary's office the expense of supporting the poor, under the present system, one year, with a view of shewing its defect upon the principles of economy, and to furnish reasons for a change.

That law seems to have been *disregarded* by most of the clerks, as but fourteen returns have come to hand. Those returns, however, which are present, will give

you some idea of the whole expense in the state, although far from giving satisfaction. That the state may be divided into districts, a tract of land purchased in each, and an asylum constructed thereon, in which the poor and infirm may be supported at half the expense of the present system, and with far more humanity, and credit to the country, as well as comfort to the unfortunate objects of charity, and in the spirit of the constitution, is sincerely believed by those who have given this soul kindling subject a careful investigation. Hence, I may freely ask for the satisfactory reason, why such a system shall not command your sympathies and convince your judgments? I view it as our constitutional, yea, moral duty, to interfere in this business. And I hope we will pause, ere we conclude that our existing laws in this respect, are not a deep blot upon the fair escutcheon of our country's fame. Do they speak the spirit of the age, which is pregnant with relief to the poor, the unfortunate, the weak, the miserable? There are those who think they do not.

I am happy to have it in my power to inform you, that our financial concerns are in the most flourishing condition. The existing revenue system presents us with very satisfactory and successful results. Free from debt, exempt from embarrassments of any kind, rich in resources, with a treasury filled to meet all the ordinary and necessary demands upon it, and with a bright prospect of lessening the people's burdens, we may with every propriety mingle our congratulations together, under such a heart animating combination of pleasing circumstances. It affords me great pleasure to believe, that we shall mutually view the practical operation of those revenue laws, in a favorable light, which produces plenty with certainty to support the government, without creating dissatisfaction in the community. The voice of history admonishes us to stability in these matters. Frequent changes are productive of frequent mischiefs. The best talents in the world have often been exerted to produce good revenue systems, and at last admit that, that system which is best adapted to the particular circumstances of those who are made to

feel it, is the best. No doubt, the ad valorem system is the most equitable, yet difficult to carry into effect. The time however, may come, when it will be found the favorite one with us.

Whilst on this subject, I will take the liberty of suggesting an amendment to the revenue law in aid of the system. I would compel the collector to settle with the treasurer according to the taxable lands in his county; and let a map from the land office be evidence of that quantity. If this intimation were to be approbated by you, no assessment of lands will be necessary.

The receipts into the treasury, during the year 1826, of the revenue of 1825, and from all sources, ending the first of December, instant, including seven thousand eleven dollars 95 100 formerly in the treasury, amount to thirty five thousand three hundred and thirty-one dollars 32 100. The expenditures for the same time, amount to thirty-one thousand two hundred and twenty-four dollars 92 100, leaving a balance in the treasury, of those receipts, of four thousand and one hundred and six dollars 40 100, at this time. The expenditures consist of \$24,294 50 for the civil list, \$5000 paid Frederick Rapp, in liquidation of his claims against the state, \$1,240 of treasury notes burnt, and \$690 42 of interest paid.

The assessments of the present year under the existing act, are estimated at \$41,000. Of this sum it is believed that the treasury will realize the sum of thirty-four thousand dollars by the first of January next, allowing \$10,000 for delinquencies and commissions. Add to this sum the remaining balance in the treasury, and it will make \$38,106 40 100, which will be in the treasury on the first of January to meet the demands of the current year. To this sum may also be added, in expectancy, the sum of \$2000 which will, in all probability, be paid during the next year, on different delinquent lists: and your available funds will be \$40,106 40.

The whole expenses of the current year, may be estimated at \$25,000. This amount deducted from the sum expected to reach the treasury, will leave \$15,106 40 to be disposed of by you in payment of the public.

debt, or towards such other objects as in the plenitude of your wisdom, and with a knowledge of the wishes of your constituents, you may direct.

Our state debt is, at this time, in a fair way to be suddenly extinguished. During the last year \$5000 were paid Mr. Rapp, as before mentioned. By the communication herewith laid before you, which I had the honor recently to receive from Mr. Rush, the secretary of the treasury, you will perceive that the state has procured a credit to be entered on the bonds which the United States as assignees of the bank of Vincennes hold on her, for \$5000; leaving a balance due the General Government on those bonds, of \$1.873 17-100, with interest from the 21st of December, 1821. These two sums making \$10,000 deducted from the public debt will only leave the following items, to wit: To the road and canal fund, 6.800 dollars; to the seminary fund, 2,296 dollars 96 cents; to the balance due the United States 2,341 dollars 46 cents, and to the holders of outstanding warrants, about 2,658 dollars 54 cents. Of this debt there will not be demanded the ensuing year, more than the sums due the United States and the holders of warrants, amounting to 5000 dollars. The balance may be paid at the pleasure of the state. Thus, you see, that we can pay all the pressing debts owing, and will have 10,106 dollars 40 cents in the treasury, after paying all the accounts of the financial year.

Another year will place us on a commanding footing, at the present rate of assessments. Individual lands in fifteen counties, heretofore exempt by virtue of the compact, will be liable to taxation during the next season. About fifty thousand polls, added to this immense additional source of revenue will produce something like sixty thousand dollars. Should we continue to grow and expand our means, with the same astonishing rapidity that has characterised us for past years; and our councils continue to be guided by wisdom and fidelity, we shall run a glorious career indeed, outstripping all political calculation. The expenses of the ensuing year will not, in all probability exceed those of this; and

should you think fit to exact no more from the people than is necessary for the ordinary purposes of government, you may reduce the taxes at the rate of twenty per cent. If you reduce any tax, it would be congenial to thousands of your fellow citizens for you to lay a foundation for the abolition of the poll tax. It seems disagreeable to the majority of the people; and as *this is their government*, let it be administered to *their satisfaction*.

Finally, I would remark, that you are *now* about to enter upon the business of the session. That department of the government which *you are*, must necessarily act conjointly with *him* who exercises Executive power. If I have any *one* wish, at this time, that predominates, it is, that these two departments may act in harmonious unison for the good of our mutual and beloved country. Your Executive *only* asks you for as much of your friendly support and co-operation, as may be essential, to guarantee to our growing republic, those infinite and high destinies, which her commanding situation, *nature and nature's God*, holds in reserve for her. When it becomes necessary for you, in the exercise of your delegated powers, to select from among your fellow-citizens, some one for public office, allow me to indulge a silent hope, that your predilections for *men*, may in no respect disturb the *measures* of the government. Suffer it, and you will make a grave for wholesome legislation. *Calm, free and dispassionate* investigations on the merits of all propositions, are apt to ultimate in safe and enlightened conclusions.

Thus, may we *live, think and act* for our country.

JAMES B. RAY.

Indianapolis, December 8 1826.

The Senate then retired to their Chamber.

The House resumed the consideration of Mr. Sweetser's resolution, relative to going into the election of a Senator in Congress.

Mr. Johnson of Knox, then moved to postpone the farther consideration thereof, until Tuesday next.

Mr. Hurst then moved that the House adjourn until

to-morrow morning nine o'clock ; which was decided in the negative.

Mr. Boon then moved that the House adjourn until to morrow morning nine o'clock ; which was also decided in the negative.

The question recurring on the motion of Mr. Johnston of Knox, the same was carried in the affirmative.

Mr. Test, after having obtained leave, presented a joint resolution giving to certain citizens of Rush county, a credit in the payment of taxes in certain cases ; which was read the first time, and passed to a second reading to-morrow.

Mr. Richardson, after having obtained leave, presented a bill supplemental to an act, to provide for electing county and township officers, approved Jan. 30, 1824 ; which was read the first time, and passed to a second reading to-morrow.

Mr. Johnson of Knox, after having obtained leave, presented a bill in addition and amendment of the act regulating and establishing the fees of the several officers therein named ; which was read the first time, and passed to a second reading to-morrow.

Mr. Hurst presented the following resolution for the consideration of the House, to wit:

Resolved, That the message of his Excellency the Governor, be committed to a committee of the whole House, and made the order of the day for Wednesday next, and that the public printer is hereby directed to print for the use of the members of this House 1200 copies thereof.

Mr. Sweetser moved to strike out Wednesday and insert Monday, and 1200 and insert 500. in said resolution ; which was decided in the negative.

Mr. Lewis of Wayne, moved to amend the same, by striking out 1200, and inserting 700 ; which was also decided in the negative.

Mr. Gray moved to amend the same, by striking out 1200, and inserting 100 ; which was also decided in the negative.

The resolution as offered by Mr. Hurst, was then adopted by the House.

On motion of Mr. Beckes,
Resolved. That the standing committee on roads be instructed to report a bill to this House, revising all laws on the subject of public roads and highways.

On motion of Mr. Slaughter,
Resolved, That the committee of ways and means be instructed to enquire into the propriety, so to amend the revenue law, as to authorize the board of justices to strike from the several delinquent lists in their respective counties, the names of such persons and personal property, as there shall be no probability of collecting the tax from.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 9, 1826.

The House met pursuant to adjournment.

The Speaker laid before House, the following communication and report, from Samuel Merrill Esq. Treasurer of State.

INDIANAPOLIS. Dec. 8, 1826.

SIR—Enclosed is the annual report, required from the Treasurer of State, to be laid before the House of Representatives.

I have the honor to be, &c.

S. MERRILL.

H. H. MOORE, Speaker, &c.

Treasury Department, Dec., 8, 1826.

The Treasurer in obedience to the directions of the "act concerning the Auditor of public accounts, and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from Dec. 3d, 1825, to Dec. 2d, 1826.

Cash on hand at the last annual report, \$7011 93

Receipts during the above period:

From taxes due for the year 1817,	\$27 30
1821,	34 27
1822,	271 06

1823,	270 10
1824,	777 66
1825,	23,701 19
1826,	2,907 41

From unlisted lands not previously reported to Auditor,	-	13 06
Penalties for delay of payment,	-	14 82

Total revenue	\$28,016 81
From sales of seminary lands in Gibson,	1,000 00
lots in Indianapolis,	- 1,850 29
Total,	\$37,879 05

Expenditures during the term aforesaid.

For stationary for the last legislature,	-	142 16
For public printing,	- - -	1,101 41
Interest to Rapp,	443 00	
on seminary fund,	120 50	
on treasury notes,	125 25	
		688 75
For contingent expenses	- - -	538 23

For expenses of State Prison.

Contract with Westover as superint'd't	400 00
Transportation of convicts,	655 28
	1,055 28

For expenses of Seat of Government.

Building Court-House in Indianapolis,	882 82
House and offices for Aud. and Treas.	200 00
Per centage to do. do.	73 35
Agents allowance and salary,	289 62
	1,445 79

Expenses of last Legislature.

Clerks, doorkeepers and serg't at arms,	1,358 50
Pay of members,	7,140 54
Previous claims,	363 13
Distributing laws,	174 00
Librarian's salary,	20 00
	9,056 17

Specific appropriations.

House rent for Governor, 1825,	200 00
For Impeachments,	248 59
Incidental allowances,	546 48
	995 07
To sheriff's for advertising Pres. election,	7 00
To Rapp, the amount loaned of him,	5,000 00

To Gov. for house rent, 1826,	-	-	200 00
To the officers of the Judiciary,	-	-	6,335 00
Executive,	-	-	2,752 80
Circuit prosecutors,	-	-	1,321 84
Adjutant General,	-	-	125 00
Treasury notes burnt,	-	-	1,249 00
Leaving a balance in the treasury of			5,815, 55
			<hr/> \$37,879 05 <hr/>

The State debt consists of,

Outstanding warrants,	120	
Treasury notes in circulation,	210	
Judiciary claims not audited,	1,575	
Circuit prosecutors,	227	
Due U.S. assigness of Vincennes bank,	1,873 17	
Interest on the same,	552 53	
Due road and canal fund,	5,000 00	
Interest on same,	1,775 00	
Seminary fund,	2,296. 96	
	<hr/>	\$13,629 71
The cash on hand as above is	5,815 55	
Estimated amount payable from this years revenue,	31,000 00	
From balances against former treas- urer and collectors of previous years,	3,000 00	
	<hr/>	39,815 55
The current expenses of the ensuing year may be estimated at	25,000 00	
State debt except seminary fund,	11,332 75	
	<hr/>	\$36,332 75 <hr/>

Estimated balance to be in the treasury,
1st December, 1827, - - - \$3,482 80

Returns of fines assessed on persons conscientiously scrupulous of bearing arms, have been made to this office, since last report from the 1st, 8th, 9th, 18th, 19th, 37th, 40th, 42d and 47th regiments, amounting in all to \$870. No part of the above has been paid into the treasury.

I have the honor to be, &c.

SAMUEL MERRILL.

Which being read, was referred to the committee of ways and means.

The Speaker laid before the House, a communication from P. F. Tuly, of Floyd county, containing certain charges and specifications against Thomas H. Roberts, a justice of the peace in said county, praying articles of impeachment may be preferred against him; which was read and referred to the same select committee to which was referred the communication of George R. C. Sullivan of yesterday.

The Speaker laid before the House, a report of John Law, prosecuting attorney in the first judicial circuit, relative to the seminary fund in the counties of Knox, Orange, Montgomery and Daviess, and also the report of William Lowe, trustee of the seminary fund of Monroe county, and of John M. Dickey, trustee of the Scott county seminary fund; which were read and referred to the committee on education.

Mr. Johnson of Pike, presented a petition of F. F. Sawyer, executor of Daniel Sawyer deceased, of Pike county, praying authority to sell certain real estate belonging to the heirs of the said Daniel Sawyer deceased; which being read, was referred to a select committee of Messrs. Johnson of Pike, Elliott and Clendenin, with leave to report by bill or otherwise.

Mr. Restine presented a petition of John Carey and others, citizens of the county of Wabash, praying the formation of a new county north and east of the county of Tippecanoe; which was read and referred to a select committee of Messrs. Restine, Work, Sargeant and Matlock.

Mr. Ray presented a petition of Elizabeth Ayres, of Fayette county, praying to be divorced from her husband Fleming Ayres; which was read and referred to a select committee of Messrs. Ray, Little and Jackson of Vigo.

Mr. Morris presented a petition of William Wile, of Marion county, praying authority to change a part of the state road leading from Indianapolis to the high banks on White river; which was read and referred to the committee on roads.

Mr. Lewis of Franklin, presented a petition of sundry citizens of said county, together with the petition

of Hanna Dexter, praying that she may be divorced from her husband, John L. Dexter; which was read and referred to a select committee of Messrs. Lewis of F., Sweetser and Sargeant.

Mr. Piercy presented a petition of Mahala Johnson, late Mahala Heddy, of Putnam county, praying that she may be divorced from her husband Daniel Johnson; which was read and referred to the committee on the judiciary.

On motion of Mr. Lomax,

Mr. Piercy was added to the committee on the judiciary.

Mr. Beckes presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee of ways and means, be instructed to provide by bill or otherwise, for the reduction of the state and county revenue, at least one fourth of the amount now assessed on all subjects of taxation.

Which being read,

Mr. Claypool moved to amend the same by striking out so much as relates to county revenue.

Mr. Stevens then moved to lay said resolution and proposed amendment, on the table; which was carried in the affirmative.

Mr. Read presented the following resolution for the consideration of the House, to wit:

Resolved, That the judiciary committee be directed to report a bill to this House, reducing the fees of justices of the peace and constables, together with all other officers, both state and county.

Mr. Beckes moved to amend the same by adding after the word "reducing," the words "one fourth."

Mr. Elliott then moved to lay said resolution and proposed amendment on the table; which was carried in the affirmative.

Mr. Bullock presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee of ways and means be instructed to report a bill repealing so much of the

law for assessing and collecting the revenue, as authorizes the assessing and collecting a poll tax.

Which being read,

Mr. Lomax moved to amend the same so as to apply to all persons over the age of fifty years only.

Mr. Howk then moved to lay said resolution and proposed amendment on the table; which was decided in the affirmative.

On motion of Mr. Boon,

Resolved, That the judiciary committee be requested to inquire into the expediency of amending the law regulating the jurisdiction of justices of the peace, so as to authorize them, to obtain evidence by *dedimus* in any county in this state.

On motion of Mr. Hays,

Resolved, That the committee on military affairs be instructed to inquire into, and report to this House, so soon as practicable, what quantity of public arms has been received by this state, from the United States, and what number (if any) is at this time due the state. And that the said committee be instructed to report a bill to this House, (if found necessary) directing the mode of their future distribution.

Mr. Craig presented the following resolution for the consideration of the House, to wit:

Resolved, That the judiciary committee be instructed to report a bill on all subjects necessary for this House to act on during this session.

And on the question being put, Will the House adopt said resolution? It was decided in the negative.

Mr. Hoover presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act regulating the mode of summoning and empannelling grand and petit jurors, that the different sheriffs in this state, shall be authorized to select from the different sections of their county grand and petit jurors.

Which being read,

Mr. Lewis of Wayne, moved to strike out the words "grand and ;" which was carried in the affirmative.

Mr. Claypool then moved to lay said resolution as amended, on the table; which was decided in the negative.

On the question being put, Shall said resolution as amended be adopted? It was decided in the negative.

Mr. Levenworth presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on the judiciary be required to report a bill repealing so much of the criminal code as authorizes fines belonging constitutionally to the seminary fund, to be worked out on public roads and highways.

Which being read,

Mr. Hillis moved to lay it on the table; which was decided in the negative.

Said resolution was then read and adopted by the House.

Mr. Hurst presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the 13th section of the act entitled "an act incorporating congressional townships, and providing for public schools," approved January 31, 1824, so that the district trustees shall not employ any teacher or teachers, without the consent of a majority of the freeholders and house holders of their respective districts.

Which being read,

On motion of Mr. Little,

The same was ordered to lie on the table.

Mr. Lewis of Franklin, presented the following resolution, for the consideration of the House, to wit:

Resolved, That the committee on roads and public highways, be instructed to inquire into the expediency of allowing the supervisors of public highways per day, for every day they are necessarily employed in notifying and attending to the hands allotted to each road district, after deducting the amount of their respective road tax, and also to amend the law making it imperative on them to do their duties.

Which being read,

Mr. Beckes moved to amend said resolution, by the addition at the end thereof, the words following, "under proper penalties." And

On motion of Mr. Spann,

Said resolution and proposed amendment, were ordered to lie on the table.

On motion of Mr. Lemon,

Resolved, That a select committee be appointed to inquire into the expediency of appointing commissioners to designate and establish the line between the counties of Washington and Clark, and report by bill or otherwise.

Whereupon,

The Speaker appointed Messrs. Lemon, Morris, Dixon and Martin that committee.

On motion of Mr. Morris,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of changing the law regulating appeals from justices of the peace, to the circuit court, so as to give the judges of the courts, the power of apportioning the costs of appeals, as justice may demand.

Mr. Bassett presented the following resolution for the consideration of the House, to wit:

Resolved, That the judiciary committee be directed to report a bill to this House, authorizing a lottery, to raise a sufficient capital, to make two turnpike roads, leading from Indianapolis to the Ohio river, in such directions as shall most effectually promote the public interest.

Which being read,

Mr. Stevens moved to amend the same by striking out "the judiciary," and inserting "roads." Said resolution was then laid on the table by consent.

On motion of Mr. Jackson of Vigo,

Resolved, That the committee on roads be requested to inquire into the expediency of increasing the width of county roads to fifty feet.

Mr. Hawk after having obtained leave, presented a bill to repeal an act concerning prosecuting attorneys, the 10th, 11th and 12th sections of the act entitled "an

act organizing circuit courts, and defining their powers and duties ;" which was read the first time and passed to a second reading on Monday next.

On motion,

Mr. Jackson of V. was added to the committee on roads.

On motion,

Mr. Lomax was added to the committee on education.

On motion,

Messrs. Matlock and Martin were added to the committee on roads.

On motion,

Mr. Spann was added to the committee of ways and means.

The House proceeded to consider the orders of the day.

The bill in addition and amendment of the act regulating and establishing the fees of the several officers therein named, was read a second time, and committed to a committee of the whole House on Wednesday next.

The joint resolution giving to certain citizens of Rush county, a credit in the payment of tax in certain cases, was read a second time and committed to the committee of ways and means.

The bill supplemental to the act providing for the election of county and township officers, approved January 31, 1824, was read a second time, and committed to a committee of the whole House on Friday next.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, DECEMBER 11, 1826.

The House met pursuant to adjournment.

The Speaker laid before the House, a report of John Kingsberry, prosecuting attorney in the second judicial circuit, relative to the seminary fund in Harrison coun-

ty; which was referred to the committee on education.

The Speaker laid before the House, the following communication and report, from William H. Lilly, Auditor of Public Accounts, to wit:

AUDITORS OFFICE. }
INDIANAPOLIS. Dec. 9, 1826. }

TO THE HON. THE SP'R. OF THE H. OF R.

SIR—In compliance with an act of the General Assembly, you herewith have my annual report.

I have the honor to be, yours, &c.

W. H. LILLY, Aud. P. Acc'ts.

AUDITOR'S OFFICE, *December 9, 1826.*

The Auditor of public accounts, in obedience to an act of the General Assembly, entitled "An act concerning the Auditor of public accounts and Treasurer of State," submits the following report, viz:

There was remaining in the Treasurer's hands on the third December, 1825, as per former report, provided all claims audited to that date have been paid, the sum of \$6,332 27

Since the above period to the 2d of December, 1826,		
inclusive, there has been received from sundry		
collectors on account of balances due for	1817	27 30
From sundry collectors for balances for	1821	34 27
From sundry collectors for balances for	1822	271 00
From sundry collectors for balances for	1823	270 10
From sundry collectors for balances for	1824	77 66
From sundry collectors for revenue for	1825	23,673 47
From sundry collectors for the year	1826	2,907 41
From Benjamin I. Blythe, agent at Indianapolis,		1,850 29
From the commissioners of the seminary lands in Gibson,		1,000 00
For unlisted lands from Monroe, Owen and Daviess		
for the years 1824 and 1825, the sum of		40 78
For damages collected from the collectors of Vigo and Scott,		14 82

Making a sum total of \$37,199 37

Since the above periods there has been audited, in liquidation of the expenses of the judiciary department, the sum of	6,355 00
In liquidation of the state prison,	628 92
In liquidation of militia expenses	125 00
In liquidation of the last General Assembly	9,149 97
In liquidation of the seat of government, including eight hundred and eighty-two dollars and eighty-two cents, paid the commissioners of Marion county, towards completing the building of the court-house, the sum of	1,245 79
In liquidation of the expenses of the electors of President and Vice-President, the sum of	7 00
In liquidation of expenses for circuit prosecutors,	1,321 84
There has been audited and paid to Frederick Rapp, on account of the public debt, the sum of	5,000 00
Also, on account of interest, the sum of	443 00
There has been audited and paid on account of interest from the Gibson seminary fund, the sum of	120 50

There has been audited and paid for interest on treasury notes, the sum of	125 30
There has been audited in liquidation of the Executive department, the sum of	2,752 30
In liquidation of public printing, the sum of	1,101 41
In liquidation of the specific appropriation account	1,071 33
In liquidation of house rent for Governor,	200 00
In liquidation of contingent expenses, the sum of	588 22
In addition to the above claims specified, the treasury is entitled to a credit for treasury notes burnt, pursu- ant to an act of the General Assembly for	1,249 00
Making a sum total of	<u>\$31,485 04</u>

Which deducted from the sum of \$37,199 37, as reported to have been received, will leave a balance in the hands of the treasurer, provided all the claims audit- ed to the 2d Dec. 1826, have been paid, the sum of	5,714 33
The amount returned from forty-six counties of amount of revenue for 1826, amounts to	41,743 44
And from the counties of Parke, Tippecanoe, Henry, Fountain and Dubois, no duplicate returns have been received; the amount arising from said coun- ties for 1826, may be estimated at	1,325 00
Sum total,	<u>\$42,068 44</u>

Respectfully submitted,
WM. H. LILLY, *Aud. Pub. Acc'ts.*

Which being read, was referred to the committee of ways and means.

The Speaker laid before the House, a petition of George White of Jeffersonville, praying compensation for certain services rendered, and materials furnished the state prison; which was referred to the committee on the state prison.

On motion,

Mr. Burnett was added to said committee.

Mr. Ferris presented a petition of Ruth M'Cance of Dearborn county, praying to be divorced from her husband Samuel M'Cance; which was referred to a select committee.

Ordered, That Messrs. Ferris, Slaughter and Hoover be that committee.

Mr. Bassett presented a petition of Decalvas Pain, of Dearborn county, praying to be divorced from Joana, his wife; which was referred to a select committee.

Ordered, That Messrs. Bassett, Hillis and Read be that committee.

Mr. Martin presented a petition of sundry citizens of

Clark county, praying to be attached to the county of Washington; which was referred to the select committee to which was referred the subject of boundary between said counties.

Mr. Morris presented a petition of Robert Taylor, of Mason county, Kentucky, praying an extension of the law for the relief of purchasers of lots in the town of Indianapolis, for his benefit; which was referred to the committee on the affairs of Indianapolis.

Mr. Hannah presented a petition of sundry citizens of Delaware county, praying the formation of a new county, out of said county; which was read and referred to a select committee.

Ordered, That Messrs. Hannah, Gray and Jackson of V. be that committee.

Mr. Lemon presented a memorial of Isaac Shelby of Clark county, praying compensation for services rendered as brigade inspector, of the 8th brigade, Ia. militia; which was referred to the committee on military affairs.

Mr. Ferris, from the committee of ways and means, submitted the following report:

Mr. Speaker,

The committee of ways and means, to whom was referred a joint resolution giving to certain citizens of Rush county, a credit in the payment of taxes in certain cases, have had the same under consideration, and are of opinion said resolution ought not to pass:

On motion of Mr. Sweetser,

Said report was ordered to lie on the table.

Mr. Stevens, from the judiciary committee, to which was referred the petition of Mahala Johnson, reported as follows:

Mr. Speaker,

The committee on the judiciary, to whom was referred the petition of Mahala Johnson, praying a divorce from Daniel Johnson, to whom she alleges that she was once married, have had the same under their consideration, and have come to the conclusion, that it is inexpedient for this legislature to grant the prayer of the petitioner, for these reasons, to wit:

1st. The petitioner shews that previous to her marriage with Daniel Johnson, that the said Daniel Johnson was legally married to one Peggy Ewing, who is still living, and the banns of matrimony still in force between the said Daniel and the said Peggy. If that fact be true, the petitioner never was legally married to the said Daniel, nor is the solemnization of the marriage ceremony between her and the said Daniel, of any force or effect whatever, either in law or equity. Whether that be a matter of fact or not, this Legislature cannot determine, it being a proper subject of legal adjudication.

2d. If the petitioner and the said Daniel were legally married, the causes of divorce alledged by the petitioner, are cognizable by the courts of justice, therefore it is inexpedient to legislate on the subject.

Which was read and concurred in by the House.

Mr. Bullock moved to reconsider the vote of concurrence in said report; which was decided in the negative.

Mr. Burnett from the select committee on that subject reported as follows:

Mr. Speaker,

The committee to whom was referred the communication of George R. C. Sullivan, containing certain charges and specifications against Seneca Almy, sheriff of Knox county, have had the same under consideration and directed me to report that they deem the charges insufficient to sustain articles of impeachment; which report was concurred in by the House.

Mr. Read, from the select committee on the unfinished business of the last session, reported as follows:

Mr. Speaker,

The committee on the unfinished business of last session, ask leave to report, that they find the following bills, reports and communications:

1. A bill for opening and repairing public roads and highways.
2. A bill for ascertaining the value of taxable property.
3. A bill relative to the three per cent. fund.

4. A bill to provide for the location and survey of a canal route, to connect the navigation of the Wabash, with the Miami of the Lakes.

5. A bill to amend the act, entitled "an act to regulate the militia of the state of Indiana, approved January 20, 1824."

6. A bill requiring certain duties to be performed by the auditor of public accounts, the secretary and treasurer of state.

7. An act to alter the times of holding the circuit courts in the counties of Floyd and Crawford.

8. A joint resolution relative to the apportionment.

9. A report of the county of Knox, relative to the seminary fund.

10. A communication of Amos Stewart and others, of Ripley county, containing charges against William Wilson, justice of the peace of said county.

11. Petition of John Berry and Thomas Pendleton, praying for an inquiry into the official conduct of Moses Cox, clerk of Madison county.

On motion of Mr. Stevens,

Resolved, That so much of said report as relates to roads, and the three per cent. fund, be referred to the committee on roads.

Resolved, That so much as relates to military affairs, be referred to the committee on military affairs.

Resolved, That so much as relates to taxation, and the duties to be performed by the auditor and treasurer, be referred to the committee of ways and means.

Resolved, That so much as relates to circuit courts, and the several charges against individuals, and the joint resolution relative to the apportionment, be referred to the judiciary committee.

Resolved, That so much as relates to connecting the waters of Lake Erie, with the Wabash, be referred to the committee on canals and internal improvement.

Resolved, That so much as relates to the report of the Knox county seminary fund, be referred to the committee on education.

Mr. Lewis of F., from the select committee, to which was referred petitions on that subject, reported a bill le-

galizing the proceedings of school trustees of congressional township. No. 9, range 2 west, and also congressional township, No. 12, range 13 west, in Franklin county; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Hillis,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to this House, extending the jurisdiction of justices of the peace, to all cases of petit misdemeanors, and trivial breaches of the peace, when the fine shall not exceed twenty dollars.

Mr. Richardson presented the following resolution for the consideration of the House:

Resolved, That the judiciary committee be, and they are hereby instructed to report a bill amendatory to an act, entitled "an act providing for the settlement of decedents' estates, and for other purposes, approved January 26, 1824," prohibiting executors, administrators and guardians from purchasing property at their own sales.

Mr. Sweetser moved to amend the same so as to direct the judiciary committee, to inquire into the expediency, &c.; which was carried in the affirmative.

Said resolution was then adopted by the House, as amended.

Mr. Ferris gave notice that he would on to-morrow, move to amend the standing rules of this House, as follows: "That no addition shall be made to any standing committee, so as to increase the number of its members to more than seven, without assigning some good cause for such addition, but in all cases when any bill, resolution or petition, is referred to a standing committee, the introducer of such bill, resolution or petition, shall during the discussion of the subject, contained in such bill, resolution or petition, be a member of the committee to whom it is referred."

On motion of Mr. Richardson,

The House took up, and proceeded to consider the resolution heretofore presented by Mr. Gray, relative to an ad valorem system of taxation.

Mr. Hurst moved to amend the same, so as to direct the committee of ways and means to inquire into the expediency of reporting a bill on that subject; which was decided in the negative.

Mr. Sweetser moved to postpone the further consideration thereof, until the first Monday in January next; which was carried in the affirmative.

Mr. Read presented the following resolution for the consideration of the House.

Resolved, That the judiciary committee be instructed to inquire into the present mode of summoning grand and petit jurors, and whether an alteration in the present mode, should not be made, so as to provide that if the board of justices should neglect or refuse to select said jurors at their May term, that it may be lawful for said justices to hold a special session for that purpose.

On motion of Mr. Fitzgerald,

Said resolution was ordered to lie on the table.

On motion of Mr. Bullock,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing for appeals to the circuit court, in cases of petit misdemeanors and trivial offences triable before justices of the peace.

On motion of Mr. Levenworth,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the act incorporating county libraries, as to constitute the board of justices of each county, and their successors in office ex-officio, a board of trustees for improving and managing the library and library funds in each county.

Mr. Ally presented the following resolution for the consideration of the House:

Resolved, That the Speaker of the House of Representatives, instruct James Ward, door-keeper, to call in H. H. Talbott, enrolling clerk for this House, to be qualified into office.

And on the question being put, Will the House adopt said resolution? It was decided in the negative.

On motion,

Mr. Hanna was added to the committee on roads.

Mr. Hurst presented the following resolution for the consideration of the House, to wit:

Resolved, That seats be appropriated on the right of the Speaker, to his Excellency the Governor, the Secretary of state, the Auditor and Treasurer, the Judges of the supreme and circuit courts, and that they be permitted to occupy them, when they may see proper.

Mr. Hillis moved to amend the same by inserting after the word "treasurer," judge of the district court.

And on motion of Mr. Elliott,

Said resolution and proposed amendment, were ordered to lie on the table.

Mr. Test presented the following resolution, for the consideration of the House:

Resolved, That the judiciary committee of the House of Representatives, be instructed to meet the judiciary committee on the part of the Senate, to inquire what amendments if any are necessary, to an act supplemental to an act, regulating the judicial circuits, and fixing the times of holding courts, and an act to amend the same, approved January 21, 1826, and that the Senate be informed thereof.

On motion of Mr. Read,

Said resolution was ordered to lie on the table.

Mr. Read moved to re-consider the vote on Friday last, postponing until Tuesday next. the resolution on the subject of going into the election of a Senator in Congress; which was carried in the affirmative.

Mr. Beckes moved to postpone the further consideration of said resolution until Friday next; which was decided in the negative.

Mr. Hawk moved to lay said resolution on the table.

Mr. Read then moved that the House adjourn until two o'clock, P. M.

Mr. Hurst moved to amend the motion, so as to adjourn until to-morrow morning nine o'clock; which was decided in the negative.

Mr. Read's motion was also decided in the negative.

The question was then taken on Mr. Hawk's motion

to lay said resolution on the table; which was carried in the affirmative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion.

Messrs. M'Kinney and Ray were added to the military committee.

Mr. Little presented the following resolution for the consideration of the House.

Resolved. That the committee on education be instructed to report a bill, to repeal so much of the act incorporating Congressional townships, and providing for public schools therein, approved January 31, 1824; also of an act to amend the same, approved February 12, 1825, as requires a tax to be raised for the support of schools; which was read and laid on the table by consent.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed an engrossed bill, entitled an act legalizing the marriage of Benjamin Patterson and Abigail Hults, in which the concurrence of this House is requested.

Said bill was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Lemon,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of amending the militia law, so as to give the collection of fines exclusively, to the companies, to be appropriated for their particular benefit and that the officers of said company, be authorized to appoint the orderly sergeant, or some other person in said company, collector, taking bond and security for the faithful performance of their duty as such.

On motion of Mr. Sweetser,

Resolved, That the treasurer of state be requested to lay before this House a statement of the amount, if any

due the contractors, for building the court house at Indianapolis, what quantity of work has been done since the last session, and what still remains to be done.

Mr. Hays, after having obtained leave, presented a bill to legalize the acts of William Kennedy, late recorder of Vermillion county; which was read the first time and passed to a second reading to-morrow.

Mr. Craig, after having obtained leave, presented a bill to authorize the board of justices of Ripley county, to appoint a lister in Brown township in said county; which was read the first time, the rule having been dispensed with, was read a second and third time and passed.

Ordered, That the same be entitled "an act," and that the Clerk carry the same to the Senate, and ask their concurrence.

The House resolved itself into a committee of the whole on the joint resolution, relative to salt springs: After some time spent therein—the Speaker resumed the Chair, and Mr. Hillis reported progress, and asked leave to sit again; which leave was given by the House.

The bill to repeal an act, entitled an act, concerning prosecuting attornies, and the 10th, 11th and 12th sections of an act organizing circuit courts, and defining their powers and duties, was read a second time, and committed to a committee of the whole House on Thursday next.

On motion of Mr. Stevens,

The House took up, and proceeded to consider the resolution offered by him heretofore, which reads in the words following:

Resolved, That it is expedient that the state prison should be situate in the town of Indianapolis, and that the committee on the state prison be, and they are hereby instructed to report a bill authorizing the building of a state prison, as soon as possible, in the town of Indianapolis, together with the necessary provisions for the removal of the convicts, and moveable property of the state, at the state prison at Jeffersonville to the state prison at Indianapolis, when such state prison is finished.

And on the question being put, Shall said resolution

be adopted by the House? And the ayes and noes being called for by Mr. Johnston of Knox and Mr. the same stood as follows, to wit:

Those who voted in the affirmative are,

Messrs. Chamberlin, Craig, Fitzgerald, Hanna, Hillis. Hoover, Johnson of P., Ketcham, Levenworth, Morris, Ray, Spann, Stevens and Wilson—14.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Barnett, Claypool, Clendenin, Daniel, Dickson, Elliott, Ferris, Gray, Hays. Howk, Hurst, Jackson of D., Jackson of V., Johnston of K., Lemon, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Matlock, Morgan, Piercy, Read, Restine, Roberts, Sargeant, Slaughter, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r.—41.

And so said resolution was not adopted.

The Speaker laid before the House, the following communication from W. W. Wick, secretary of state.

SECRETARY'S OFFICE, }
DECEMBER 11, 1826. }

THE HON. THE SP'R. OF THE H. R.

SIR—In compliance with the request of Messrs. Way and Gideon, of Washington City, communicated to me by letter from the Hon. Jonathan Jennings, I have the honor to submit the enclosed proposal for the sale of copies of the "Journal of the first American Congress," to this state.

I have the honor to be, respectfully,

W. W. WICK.

Said communication and document referred to, were referred to a select committee.

Ordered, That Messrs. Sweetser, Claypool and Stevens be that committee.

The Speaker laid before the House, a report of David Hager, trustee of the Bartholomew county seminary fund; and also, the report of the trustee of the Vigo county seminary fund; also, the report of the trustee

of Parke county seminary fund; which were read and referred to the committee on education.

The Speaker laid before the House, a petition of William M'Clure of New Harmony, praying an act of incorporation under the name and style of the New Harmony education society; which being read was referred to a select committee.

Ordered, That Messrs. Gray, Howk and Richardson be that committee.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 12, 1826.

The House met pursuant to adjournment.

Mr. Fitzgerald presented a petition of the heirs of Ezra Darby, deceased, of Warrick county, praying certain relief; which was referred to a select committee, with leave to report by bill or otherwise.

Ordered, That Messrs. Fitzgerald, Lomax and Jackson of D. be that committee.

Mr. Ray presented a petition of Joseph Moffitt, and others of Fayette county, praying a revision of the militia law; which was referred to the committee on military affairs.

Mr. Levenworth presented a remonstrance of Charles Lynch, and others of Crawford county, against the re-location of the seat of justice of said county; which was referred to the same select committee to which was referred the petition on that subject.

Mr. Restine presented a petition of James Miller, and others of Fountain county, praying a re-location of the seat of justice of said county, and a remonstrance against the same; which were referred to a select committee.

Ordered, That Messrs. Restine, Matlock and Marshall be that committee.

Mr. Read presented a petition of Joseph Raney, J.

D. Clements and Julius Johnson of Martin county, praying certain relief; which was referred to a select committee.

Ordered, That Messrs. Read, Spann, Work and Stevens be that committee.

A message from the Governor by James M. Ray, his private secretary.

EXECUTIVE DEPARTMENT, INDIANA, }
DECEMBER 12th, 1826. }

Hon. Harbin H. Moore, Speaker of the House of Representatives:

SIR—I have the honor to lay before the House of Representatives, a communication from the secretary of the treasury, to myself, of the 17th of October, 1826, relative to the liquidation of a debt due the United States, from this state; together with the evidences of that debt which have been confided to my care.

Respectfully, your most obedient servant,

J. BROWN RAY.

N. B. The bearer is authorized to deliver this message.

J. B. RAY.

Said communication and accompanying documents, were referred to the committee of ways and means.

Mr. Hawk presented a petition of James C. Caldwell, collector of Clark county, praying certain relief; which was referred to the committee of ways and means.

Mr. Levenworth, from the select committee, to which was referred a petition and remonstrance on that subject, reported a bill appointing commissioners to re-locate the seat of justice of Crawford county; which was read the first time, and passed to a second reading to-morrow.

Mr. Johnston of K., from the select committee, to which was referred the petition of Alexander Craig and others, reported a bill authorizing the said Craig to erect a dam across the west fork of White river; which was read the first time, and passed to a second reading to-morrow.

Mr. Ferris, from the select committee, to which was referred the petition of Ruth M'Cance, reported a bill to divorce the said Ruth M'Cance, from her husband

Samuel M'Cance; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Richardson,

Resolved, That the committee on education be, and they are hereby instructed to meet the committee appointed by the Senate, on the same subject, at such time and place as the chairmen of the respective committees may appoint, and that the Senate be informed of the adoption of this resolution, and a similar one on their part requested.

On motion of Mr. Claypool,

Resolved, That the committee on the affairs of the state prison, be authorized to call on the secretary of state, and examine all documents and papers in his office, in relation to said prison, with leave to report thereon.

On motion of Mr. Gray,

Resolved, That the judiciary committee inquire into the expediency of so amending the criminal code, as to empower justices of the peace to commit for want of surety of the peace.

Mr. Craig presented the following resolution for the consideration of the House:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of changing the mode of doing probate business, giving the jurisdiction of all matters coming under that head, to some person other than the associate judges or the circuit courts.

Mr. Beckes moved to amend the same by striking out the words "or to the circuit courts;" which was decided in the negative.

Said resolution was then adopted by the House.

On motion of Mr. Ferris,

The House took up and proceeded to consider his proposed amendment to the standing rules of this House.

Mr. Stevens moved to strike out all the words after the word "but" in the fourth line; which was carried in the affirmative.

The question being then put on the adoption of the proposed amendment of the rules, as amended; the same was decided in the negative.

Mr. Hays presented the following resolution, for the consideration of the House, to wit:

Resolved, That a select committee be appointed to inquire into the expediency of providing by law, that hereafter no petitions shall be presented to the legislature, praying the alteration of county boundaries, forming new counties, re locating county seats, establishing or altering state roads, or declaring certain water streams navigable, unless the petitioners shall first give publicity to their intentions, by publishing them three months previous to the meeting of the General Assembly, either in some newspaper having general circulation in the neighborhood, or by advertisements set up in six of the most public places of the county in which the proposed alteration is to take place, or navigation declared: and that they have leave to report by bill or otherwise. Provided a bill is reported, it is not to take effect, until after the close of this session.

And on the question being put, Shall said resolution be adopted by the House? And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Chamberlin, Daniel, Fitzgerald, Hanna, Hays, Jackson of V., Ketcham, Lomax, M'Kinney, Matlock, Morris, Piercy and Slaughter—14.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Brown, Bullock, Burnett, Claypool, Clendenin, Craig, Dickson, Elliott, Gray, Hillis, Hoover, Hurst, Jackson of D., Johnson of P., Johnston of K., Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Marshall, Martin, Morgan, Ray, Restine, Richardson, Roberts, Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—41.

And so said resolution was not adopted.

Mr. Hoover presented the following resolution for the consideration of the House, to wit:

Resolved, That a select committee be appointed to ascertain the number of copies of the laws, and docu-

ments of Congress, now in the office of the secretary of state, and report such manner of distribution of the same to the several counties throughout this state, as may appear equitable.

Mr. Lomax moved to amend the same, so as to request the secretary of state, to report the number and manner of distribution, &c. ; which was decided in the negative.

Mr. Ferris moved to add the word "surplus" before the word "copies;" which was decided in the negative. Said resolution was then adopted by the House.

Ordered. That Messrs. Hoover, Richardson and Lewis of K. be that committee.

On motion of Mr. Hillis.

The House took up and proceeded to consider the resolution relative to going into the election of a Senator in Congress.

Mr. Test moved to strike out the words "to-morrow morning ten o'clock," and insert "this evening at two o'clock."

Mr. Hawk moved to amend Mr. Test's amendment, by inserting to-morrow evening at two o'clock. P. M.

A division of the question being called for, the question was taken on striking out the words "to-morrow morning at ten o'clock;" which was carried in the affirmative.

The question being then taken on filling the blank, with to-morrow evening at two o'clock, as proposed by Mr. Hawk; the same was decided in the negative.

The question was then taken on filling the blank, with the words "this evening at two o'clock," as proposed by Mr. Test; the same was carried in the affirmative.

The question was then put, Shall said resolution as amended, be adopted by the House, which reads in the words following:

Resolved, That the House of Representatives will on this evening at two o'clock, P. M., the Senate consenting thereto, proceed to the election of a Senator in Congress, to serve six years from the fourth day of March next, in the room of James Noble, whose term

of service will then expire, that the Senate be informed thereof, and that seats will be prepared for them on the right of the Speaker's Chair.

The same was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

Mr. Ally presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act entitled "an act authorizing the board of justices to appoint the county treasurers," as to invest the power in the sheriffs.

On motion of Mr. Elliott,

Said resolution was ordered to lie on the table.

Mr. Bullock moved to take up the resolution offered by him some days since, on the subject of repealing the poll tax; which was decided in the negative.

Mr. Fitzgerald, after having obtained leave, presented a bill to amend the act regulating the mode of summoning grand and petit jurors, approved January 31, 1824; which was read the first time, and passed to a second reading on to morrow.

Mr. Stevens moved to discharge the judiciary committee from the further consideration of the resolutions referred to them, on the subject embraced in the bill presented by Mr. Fitzgerald; which was decided in the negative.

Mr. Ray, after having obtained leave, presented a bill to amend the act regulating interest on money; which was read the first time, and passed to a second reading on to morrow.

Mr. Hoover, after having obtained leave, presented a bill amendatory of the several acts, for the settlement of decedents' estates; which was read the first time, and passed to a second reading on to-morrow.

Mr. Stevens moved to discharge the judiciary committee, from the several resolutions referred to them, on the subject embraced in the bill presented by Mr. Hoover; which was decided in the negative.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Hurst,

Resolved, That Mr. Craig be appointed teller on the part of this House, in the election for Senator in Congress, to fill the place of the Hon. James Noble, whose term of service will expire next March; and that the Senate be informed thereof.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Ray, their enrolling secretary, to wit:

Mr. Speaker,

I am directed by the Senate, to inform the House of Representatives, that they have adopted the following resolution:

Resolved, That the Senate concur in the resolution of the House of Representatives, to meet in the Hall of that House, at two o'clock, P. M., to elect a Senator to the Congress of the United States, in the place of the Hon. James Noble, whose term of service will expire during the present session, and that the House of Representatives be informed thereof, and that Mr. Pennington is appointed teller on the part of the Senate.

The Senate came down into the Hall of the House of Representatives, and took their seats on the right of the Speaker's Chair, and the President of the Senate on the right of the Speaker.

Both houses then proceeded by joint ballot, to the election of a Senator in Congress, in the room of the Hon. James Noble, whose term of service expires on the third of March next.

And on the first ballot, Isaac Blackford had for that office 24 votes, Jonathan Jennings 22 votes, and James Noble 32 votes; on the second ballot Mr. Blackford had 24 votes, Mr. Jennings 20 votes, and Mr. Noble 35 votes; on the third ballot Mr. Blackford had 26 votes, Mr. Jennings 15 votes, and Mr. Noble 38 votes; and on the fourth ballot Mr. Blackford had 28 votes, Mr. Jennings 10 votes, and Mr. Noble 40 votes.

James Noble having received a majority of the whole number of votes given on the fourth ballot, was by the

President of the Senate, in the presence of both houses of the General Assembly, declared duly elected a Senator in the Congress of the United States, from this state, for the term of six years, from and after the third day of March, 1827.

The Senate then retired to their Chamber.

And then the House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, DECEMBER 13, 1826.

The House met pursuant to adjournment.

Mr. Bassett presented a petition of Lewis Nichols and others, citizens of Dearborn county, praying the re-location of the seat of justice of said county; which was referred to a select committee.

Ordered, That Messrs. Bassett, Burnett, Beckes, Watts, Ferris and Jackson of D. be that committee.

Mr. Long presented a petition of Daniel Heaton and others of Hamilton county, praying the location of a state road from New Castle in Henry county, by the falls of Fall creek, through Noblesville, to Lafayette in the county of Tippecanoe; which was referred to a select committee.

Ordered, That Messrs. Long, Fitzgerald and Jackson of D. be that committee.

Mr. Ray presented a petition of Nimrod Ferguson, and others of Wayne county, praying part of said county may be attached to the county of Fayette; which was referred to a select committee.

Ordered, That Messrs. Ray, Johnson of P., Brown and Claypool be that committee.

Mr. Elliott presented a remonstrance against the prayer of said petition; which was referred to the same committee to which the petition was referred.

Mr. Lomax moved to add Mr. Lewis of Wayne, to said committee; which was carried in the affirmative.

A message from the Senate by Mr. Farnham, their Assistant secretary:

Mr. Speaker,

The Senate have passed an engrossed bill entitled an act, which originated in this House, to authorize the board of justices of Ripley county, to appoint a lister for Brown township in said county. The Senate have reciprocated a resolution of this House, inviting the committee on education. on the part of the Senate, to act with a similar committee of the House jointly.

Mr. Craig presented a petition of James Mavity, and others of Ripley county, praying an alteration in the militia law; which was referred to the committee on military affairs.

Mr. Marshall presented a petition of Charles Crabb, and others of Jackson county, praying authority to erect a mill dam across the east fork of White river; which was referred to a select committee.

Ordered. That Messrs. Marshall, Matlock and Piercy be that committee.

Mr. Stevens, from the judiciary committee, to which was referred the various resolutions of this House on that subject, reported a bill regulating the jurisdiction of justices of the peace, and to raise their jurisdiction to one hundred dollars; which was read the first time, and passed to a second reading to-morrow.

Mr. Ray, from the select committee, to which was referred the petition of Elizabeth Ayres, reported a bill divorcing the said Elizabeth from her husband Flemming Ayres; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Bullock,

Resolved. That Henry H. Talbott, enrolling clerk to this House, be now called in, and sworn into office.

Mr. Talbott was then called in, and sworn into office, by the Hon. J. R. E. Goodlett, president judge of the fourth judicial district.

On motion of Mr. Bassett,

Resolved. That the judiciary committee be directed to inquire into the expediency of repealing all laws au-

thorizing the issuing of fee bills by any officer of this state for collection.

Mr. Lewis of F. moved to take up the resolution offered by Mr. Little on Monday last, relative to repealing the law authorizing a tax to be levied for the support of schools; which was carried in the affirmative.

Mr. Hays moved to amend the said resolution, so as to direct the committee on education to inquire into the expediency of repealing said law; which was carried in the affirmative.

Said resolution as amended was then adopted by the House.

Mr. Lemon presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of amending the 23d section of the militia law, by striking out the words six gunners and six bombardiers, and insert in lieu thereof the words, two gunners and six aids; and also to strike out so much of the 28th section, as requires non commissioned officers and privates in district companies to carry pouches and powder horns on parade; and said committee take into consideration the propriety of exempting all persons from paying a fine, for not carrying arms on parade, if it should appear that said militia man is not the owner of real or personal estate to the amount of \$75, except the arms be furnished by the United States.

Mr. Beckes moved to strike out \$75 and insert \$200; which was decided in the negative.

Mr. Matlock moved to strike out \$75, and insert 150; which was also decided in the negative.

Mr. Test moved to strike out all the balance of said resolution after the word "parade," in the 11th line; which was decided in the negative.

Mr. Ferris moved to add the words "or this state" at the end of said resolution; which was carried in the affirmative.

Mr. Read then moved to lay said resolution on the table; which was decided in the negative.

Said resolution was then adopted by the House, as amended.

On motion of Mr. Sweetser,

Resolved, That the librarian of the state library of Indiana, be, and he is hereby requested to lay before this House, a statement of the whole amount of money laid out, and expended by the faculty of the library, for the purchase of books, the title of each book, and its price; and also, whether the book or books are new or old, and whether bound or unbound, and if bound, what sort of binding—also state how much has been expended in binding books and pamphlets that were unbound; the title of those books and pamphlets, and the price of binding per volume or pamphlet, and what sort of binding—also state how much has been expended for transportation, and for what the transportation was expended, giving distance and weight of the articles transported—also state what books and pamphlets remain in the library unbound, and their title, and whether they, or any of them are worth binding or not, in his opinion—and also, make as aforesaid, a catalogue of the names and number of the books, pamphlets and volumes which belong at this time, to the library.

Mr. Read presented the following resolution for the consideration of the House, to wit:

Resolved, That a select committee be appointed to inquire into the expediency of so amending the law relative to retailing spiritous liquors, as to provide that any person giving the necessary security, may obtain license to retail the same.

Mr. Test moved to lay the same on the table; which was decided in the negative.

Said resolution was then adopted by the House.

Ordered, That Messrs. Read, Chamberlin and Johnston of K. be the committee in pursuance of said resolution.

On motion of Mr. Bullock,

Resolved, That the committee on roads be instructed to inquire into the expediency of reducing the number of commissioners of state roads, upon which the mo-

nies of the three per cent. fund, have been and are further to be expended.

The House proceeded to consider the orders of the day.

The bill legalizing the proceedings of the school trustees in congressional township No. 9, range 2 west, and also, of school trustees of township No. 12, range 13 west, in Franklin county, was read a second time, and committed to the committee on education, with leave to amend the same.

The engrossed bill from the Senate, entitled an act legalizing the marriage of Benjamin Patterson and Abigail Hults, was read a second time, and

On motion of Mr. Ferris,

The same was committed to the judiciary committee.

The bill legalizing the proceedings of William W. Kennedy, late recorder of Vermillion county, was read a second time, and committed to a committee of the whole House on Friday next.

The bill authorizing Alexander Craig, to erect a dam across the west fork of White river, was read a second time, and referred to the same select committee to which was referred the petition of Charles Crabb and others.

The bill to divorce Ruth M'Cance from her husband Samuel M'Cance, was read a second time, and

On motion of Mr. Lomax,

The further consideration thereof, was postponed indefinitely.

The bill to amend the act regulating the mode of summoning and empannelling grand and petit jurors, was read a second time, and committed to a committee of the whole House on Saturday next.

The bill to amend the act regulating interest on money, was read a second time, and committed to the committee on the judiciary.

The bill to re-locate the seat of justice of Crawford county, was read a second time, and committed to a committee of the whole House on Monday next.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 14, 1826.

The House met pursuant to adjournment.

The Speaker laid before the House, the report of Livingston Duolap, trustee of the public seminary fund of Marion county; which was read and referred to the committee on education.

Mr. Lewis of F. presented the petition of James Osburn and others, of Union county, praying for a law to pass, re-attaching them to the county of Franklin; which was read and referred to a select committee of Messrs. Lewis of F., Morris and Sweetser.

Mr. Brown presented the remonstrance of sundry other citizens of said county, against the prayer of the said petitioners; which was also read and referred to the same select committee.

Mr. Jackson of Vigo, presented the petition of Charles B. Modesitt, praying an inquiry into the official conduct of Robert Graham, Esq. a justice of the peace of said county; which was read and referred to a select committee of Messrs. Jackson of V., Test and Johnston of Knox.

Mr. Hays presented the petition of sundry citizens of Parke county, praying for a re-location of the seat of justice of said county, together with a remonstrance of sundry other citizens of said county, against the same; which were severally read, and referred to a select committee of Messrs. Hays, Clendenin and Johnson of P.

Mr. Lewis of Wayne, from the joint committee for enrolled bills, reported that said committee had compared the "enrolled" with the engrossed bill, entitled "an act to authorize the board of justices of Ripley county to appoint a lister in Brown township, in said county.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

Mr. Bullock presented the petition of Richard Stott, collector of Jennings county, praying for certain relief therein named; which was read,

Whereupon,

Mr. Bullock moved to refer said petition to a select committee. And

Mr. Stevens moved to refer it to the committee of ways and means.

And the question being taken on referring it to a select committee, and the same having been decided in the negative, the question was then put, Shall it be referred to the committee of ways and means? Which was carried in the affirmative.

Mr. Morris presented the petition of Samuel Hoover and others, of Tippecanoe county, praying for the location of a road from the ferry opposite to Indianapolis, to the town of Lafayette in said county; which was read, and

On motion of Mr. Little,

Was referred to the standing committee on roads.

Mr. Restine presented the petition of William V. Snyder and others, of Montgomery and Fountain counties, praying for the location of a road from Crawfordsville to Covington; which was read and referred to the committee on roads.

Mr. Hays presented the petition of John Hubbard and others, of Parke county, praying for a road from Indianapolis to the Wabash river; which was read and referred to the said committee.

Mr. Long presented the petition of Leonard Bardwell and others, of Madison and Hamilton counties, praying for the location of a road from Newcastle in Henry county, by the way of the towns of Pendleton and Noblesville, to Lafayette, in Tippecanoe county; which was read and referred to the same select committee, to whom was referred the petition of Daniel Heaton and others, on the same subject.

Mr. Burnett presented the remonstrance of Henry Sigler and others, of Floyd county, against the vacation of the state road from New Albany to Salem; which was read and referred to the committee on roads.

Mr. Ferris, from the committee of ways and means, to whom was referred a bill concerning the revenue, and a bill for ascertaining the value of taxable property,

which were found amongst the unfinished business of last session, reported that said committee had had the said bills under their consideration, and had directed him to report, that the said committee are of opinion, that the said bills ought not to pass.

And the question being stated, Shall the House concur in said report? And a division of the question being called for by Mr. Sweetser, the House concurred in said report, so far as respects the bill first named, and

On motion of Mr. Bullock,

The residue of said report was laid on the table.

Mr. Stevens, from the committee on the judiciary, reported, that according to order, the unfinished business of last session, which were referred to them, to wit:

The charges against Moses Cox, clerk of Madison county.

The charges against William Wilson, justice of the peace of Ripley county.

The engrossed bill from the Senate, to alter the times of holding circuit courts in the counties of Floyd and Crawford.

And the joint resolution relative to the apportionment, have been taken into consideration. and I have been directed to report that it is inexpedient to further investigate those subjects.

And that they have also taken into their consideration, the petition of George Sutton and others, of Franklin county, praying for an amendment to the general election law, and have directed me to report that it is inexpedient to make the amendment prayed for.

Mr. Stevens from said committee, also reported a bill "to amend the act relative to crime and punishment;" which was read the first time, and passed to a second reading to-morrow.

Mr. Wallace, from the committee on roads, made the following report, viz:

Mr. Speaker,

The committee on roads, to whom was referred that part of the unfinished business of the last session, which is embraced in the bill for opening and repairing public roads and highways, and an engrossed bill relative to

the three per cent. fund, report that in their opinion, it is inexpedient to adopt the provisions contained in the before mentioned bills.

The same committee to whom was referred the petition of William Wile, praying legislative interposition, on account of a certain road running through the land of the petitioner, report that in their opinion, the laws of the land, as administered in the ordinary courts of justice, are amply sufficient to furnish him with redress for any injury complained of in his petition; they therefore ask to be discharged from the further consideration of the above mentioned bills and petition.

Which was concurred in by the House.

Mr. Lewis of F., from the select committee, to whom was referred the petition of Hannah Dexter, praying for a divorce from her husband John L. Dexter, reported, that said committee had, according to order, had the same under their consideration, and had directed him to report, that in the opinion of said committee, the prayer of said petitioner is unreasonable, and ought not to be granted; which being read, was concurred in by the House.

Mr. Bassett, from the select committee, to whom was referred the petition of Mary Ferrand, praying for a divorce from her husband Bartholomew Ferrand, reported a bill for that purpose; which was read the first time.

Whereupon,

Mr. Boon moved to reject said bill; which motion was carried in the affirmative.

And so said bill was rejected.

Mr. Restine, from the select committee, to whom was referred the petition of sundry citizens of Fountain county, praying for a re-location of their seat of justice, together with the remonstrance of sundry citizens of said county, on the same subject, reported that in the opinion of said committee, the prayer of the petitioners ought not to be granted; which was concurred in by the House.

Mr. Hoover, from the select committee, to whom that subject was referred, reported a bill "authorizing Henry Thornburgh and Henry Hoover, administrators of

the estate of John Charles, deceased, to convey certain water privileges;" which was read the first time, and passed to a second reading to morrow.

Mr. Howk, from the select committee, to whom that subject was referred, reported a bill for the sale of the real estate of Thomas Bullett, deceased; which was read the first time, and passed to a second reading to-morrow.

Mr. Howk, from the select committee, to whom was referred the petition of Preston F. Tuley, praying an inquiry into the conduct of Thomas H. Roberts, Esq a justice of the peace, reported the following articles of impeachment, against said Thomas H. Roberts, as a justice of the peace, to wit:

STATE OF INDIANA, ss.

Articles of impeachment, exhibited by the House of Representatives of said state, in the name of themselves and of the people of the state of Indiana, against Thomas H. Roberts, a justice of the peace of New Albany township, in the county of Floyd, and state aforesaid.

ARTICLE 1. That the said Thomas H. Roberts, justice of the peace for New Albany township, in the county of Floyd and state aforesaid, has been and is guilty of perjury, to wit: at the county of Floyd aforesaid.

Specification. That the said Thomas H. Roberts, a justice of the peace for New Albany township, in the county of Floyd, and state aforesaid, wickedly and maliciously devising and intending unjustly to vex and aggrrieve one Preston F. Tuley, and to subject him to the punishments, pains and penalties, by the laws of this state, provided for persons guilty of felony, theft, larceny and breach of the peace, on the sixth day of February, in the year of our Lord one thousand eight hundred and twenty-six, at the county of Floyd aforesaid, came in his own proper person, before Jacob Bence, then being one of the justices of the peace for the said township of New Albany, in the county of Floyd aforesaid, and then and there was duly sworn according to law, before the said Jacob Bence, justice of the peace as aforesaid, (he the said Jacob Bence, having then and there, competent authority to administer the said oath, to the said Thomas H. Roberts, in that behalf,) and that the said Thomas H. Roberts, being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and instigated by the devil, then and there, before the said Jacob Bence, (he the said Jacob Bence having competent authority to administer the said oath, as aforesaid) upon his oath aforesaid, falsely and maliciously, wilfully, absolutely and corruptly did say, depose, swear and give information in writing, to the purport and effect following: that is so say, he the said Thomas H. Roberts being duly sworn according to law, did depose and say, that on the sixth day of February, 1826, at New Albany, in the county of Floyd aforesaid, a felony was perpetrated on the goods of Thomas H. Roberts, (meaning the said Thomas H. Roberts) of said county by a certain Preston F. Tuley, (meaning the said Preston F. Tuley) of the county aforesaid, and that he the deponent (meaning the said Thomas H. Roberts) verily believed that the said P. F. Tuley, (meaning the said Preston F. Tuley) did, with force and arms, perpetrate the said felony, by taking and carrying certain books, the property of the said T. H. Roberts, (meaning the said Thomas H. Roberts) against the peace and dignity of the state. Whereas in truth and in fact, a felony was not perpetrated on the goods of the said Thomas H. Roberts, by the said

Preston F. Tuley, on the said sixth day of February, 1826, or at any time whatsoever; and whereas, in truth and in fact, the said Thomas H. Roberts did not verily believe that the said Preston F. Tuley did with force and arms perpetrate the said felony, by taking and carrying certain books, the property of the said Thomas H. Roberts, against the peace and dignity of the state, in manner aforesaid. And so the said Thomas H. Roberts, on the said sixth day of February, 1826, at the county of Floyd aforesaid, before the said Jacob Bence, so being one of the justices of the peace, for New Albany township, in the county of Floyd aforesaid, and so having sufficient power and authority to administer the said oath to the said Thomas H. Roberts as aforesaid, falsely, maliciously, wickedly, wilfully and corruptly, on his oath aforesaid, in manner and form aforesaid, commit wilful and corrupt perjury, contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the state of Indiana.

Which were read.

Whereupon,

Mr. Ferris moved to lay said report on the table; which motion being negatived,

And the question taken on concurring in said report, it was determined in the affirmative; upon which the Speaker signed the said articles of impeachment.

Mr. Hurst submitted the following resolution, viz:

Resolved, That the Senate be informed, that the House of Representatives have preferred articles of impeachment against Thomas H. Roberts, a justice of the peace of Floyd county, and have appointed Messrs. Howk, Craig, Stevens and M'Kinney managers thereof, on the part of this House, and demand justice; and that a day be set, when the Senate will bear said case, and that process be asked of the Senate, to compel the attendance of said Roberts, to answer said articles of impeachment; and as witnesses on the part of this House, Isaiah Townsend, Preston F. Tuley and Jacob Bence of Floyd county, together with such papers and documents as may be deemed necessary.

Mr. Stevens moved to amend said resolution, by adding to the said list of managers, the names of Messrs. Hurst, Test and Gray; which motion was carried in the affirmative.

Mr. Hillis moved further to amend said resolution, by adding the names of Messrs. Bullock, Johnston of K. and Sweetser.

Mr. Hurst moved to add the name of Mr. Levenworth.

And Mr. Boon moved to add the name of Mr. Fitzgerald to said list of managers.

Which motions were severally negatived.

Mr. Stevens moved to postpone the further consideration of the subject, until the first Monday in December next; which motion was decided in the negative.

And the question then recurring on the adoption of the said resolution as amended, it was decided in the affirmative.

And the ayes and noes being demanded by two members, are as follows to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Burnett, Chamberlin, Claypool, Cleundenin, Craig, Elliott, Fitzgerald, Gray, Hillis, Hurst, Jackson of V., Johnson of P., Ketcham, Leon, Levenworth, Long, Lewis of F., Lewis of W., M'Kinney, Martin, Morris, Piercy, Read, Spann, Stevens, Test, Wallace, Watts and Wilson—33.

And those who voted in the negative are,

Messrs. Beckes, Boon, Bullock, Daniel, Ferris, Hanna, Hays, Hoover, Howk, Johnston of K., Little, Marshall, Matlock, Morgan, Ray, Restine, Richardson, Roberts, Sargeant, Slaughter, Sweetser, Work and Moore, Sp'r.—24.

A message in writing was received from his Excellency the Governor, by James M. Ray, his private secretary, inclosing proposals for publishing by subscription, Strickland's reports on the subject, and for the promotion of internal improvement, in compliance with the intimation of his Excellency, in his message of the 8th instant; which was read and referred to the same select committee, to whom was referred the petition of Messrs. Way & Gideon.

The Speaker laid before the House, the following communication from Samuel Merrill, Esq. Treasurer of State, in compliance with a resolution of this House, of the instant, calling on him for information as to the amount due the contractor, for building the court house in Indianapolis, what amount of the work has

been done since the last session, and what still remains to be done, viz:

The treasurer of state, in obedience to a resolution of the House of Representatives, requiring him to state the amount due the contractor, for building the court house at Indianapolis, what amount of work has been done since the last session, and what still remains to be done, begs leave to report, that the balance of the appropriation for the purpose aforesaid, unpaid is thirty three dollars and fifteen cents—that the undersigned is informed, and believes that a number of desks and seats have been made since the last session, which with those previously made, amount to the number required in the act making additional appropriations for the court house in Indianapolis, approved January 2d, 1824. The undersigned, however, was of opinion that to have complied with the spirit of the above act, the additional seats made since the last session, should have been chairs, in order that they might correspond with the seats previously made. The desks furnished are not, in the opinion of the undersigned, good, substantial and complete tables, with draws, locks and keys thereto, as required by the said statute. Necessary business however, does not permit the undersigned to judge of the business as well as the legislature, who have the work before them.

Yours respectfully,

SAMUEL MERRILL.

THE SPEAKER OF THE H. R.

P. S. Since the foregoing was written, it has been stated to me, that as the original law did not mention chairs, the contractor had an understanding with the commissioners of Marion county, that eighty chairs provided by the said contractor, should be considered a substitute for the 100 seats directed by the statute.

S. M.

Which being read,

Mr. Little moved to refer it to the committee of claims. And

Mr. Sweetser, that it be referred to the committee on the affairs of the town of Indianapolis.

And the question being taken on referring it to the first named committee, it was determined in the affirmative.

On motion of Mr. M'Kinney,

Resolved, That the committee on roads be requested to inquire into the expediency of so amending the present law, as to authorize the boards of justices in the several counties in this state, to impose on each and every male citizen subject to taxes in each and every township, in their respective counties, a tax not exceeding cents, to be applied to the reparation and improvement of state roads passing through such township, when the strength of such township, under the operation of the present laws, may not be equal to such reparation and improvement; the money so caused to be assessed, to be expended by the supervisors of such roads under suitable restrictions.

On motion of Mr. Watts,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of the law regulating marriages, as requires clerks of the circuit courts to issue license.

On motion of Mr. Brown,

Resolved, That the select committee to whom was referred the petition of Nimrod Ferguson, Thomas Osburn and others, on the subject of altering the bounds of Franklin, Fayette, Union and Wayne counties, be directed to form a correct diagram of the said counties, connected as they now are, and present the same with any bill or bills on said subject, for the information of this House.

On motion of Mr. Hillis,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so providing by law, that appeals may be taken from the docket of justices of the peace, to the supreme court, as well as to the circuit courts, in all civil cases; and that appeals may be taken from the circuit courts, of causes that may have originated before justices of the peace, to the supreme court.

Mr. Ally submitted the following resolution, viz:

Resolved, That the Speaker of the House of Representatives, appoint a committee of one, to inform the public printers of this place, that they be authorized to print sixty copies of any important bill, which may be presented to said printers by the committee as aforesaid.

Which was not adopted.

Mr. Beckes submitted the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill to this House, submitting to the people of this state, the expression of their opinion at the next annual election, the call of a convention to change our constitution, and that said committee act in conjunction with the judiciary committee on the part of the Senate; that the Senate be informed of the adoption of this resolution, and the adoption of a similar one on their part requested.

Mr. Ferris moved to amend said resolution, by striking out so much thereof, as provides for taking the sense of the people, at the next annual election, and to provide that the same be taken at the annual election in 1828: which motion being negatived,

Mr. Long moved that said resolution and the proposed amendment, be laid on the table; which was carried in the affirmative.

Mr. Clendenin submitted the following resolution, for the consideration of the House, to wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the execution law, as to make a writ a lien on real estate from the service thereof.

Mr. Bullock moved to amend said resolution by adding after the word "writ" the words "of fieri facias;" which motion was negatived.

And then the question recurring on the adoption of the said resolution, it was decided in the affirmative.

On motion of Mr. Levenworth,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending and altering the law, which requires justices of the peace to make a report of all fines by them imposed and collect-

ed on the first day of the term of each circuit court, to the clerk thereof, which they may have imposed and collected, since the preceding term, so as to authorize the justices to make such report on the first day of each term of the board of justices in their respective counties.

Mr. Ray presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee of ways and means inquire into the expediency of so amending the revenue law, as to make it the duty of the collectors in the several counties of this state, when collecting the revenue, to make the assessment for the subsequent year.

Which resolution was,

On motion of Mr. Gray,
Ordered to lie on the table.

On motion of Mr. Stevens,

The House resolved itself into a committee of the whole, on the message of his Excellency the Governor: And after some time spent therein—the Speaker resumed the Chair, and Mr. Johnston of K. reported: That the committee of the whole, have had the same under consideration, and adopted sundry resolutions relative thereto, which are as follows, to wit:

1. *Resolved*, That so much of his Excellency's message as relates to public roads and highways, be referred to the standing committee on roads.

2. *Resolved*, That so much of the message of his Excellency the Governor, as relates to the financial concerns of the state, be referred to the committee on ways and means.

3. *Resolved*, That so much of the Governor's message as relates to the militia, be referred to the military committee; and also, so much of said message as relates to arms.

4. *Resolved*, That so much of the Governor's message as relates to the salary of the state agent, be referred to the committee of ways and means.

5. *Resolved*. That so much of the Governor's message as relates to the procuring the portrait of General Washington, be referred to a select committee.

6. *Resolved*, That so much of the Governor's mes-

sage as relates to the state prison, be referred to the committee on the affairs of the state prison.

7. *Resolved*, That so much of the Governor's message as relates to the improvement of the Whitewater canal, and the Wabash canal and the White rivers, be referred to the committee on canals.

8. *Resolved*, That so much of the Governor's message as relates to a criminal code, founded on principles of reformation, and not extinction, be referred to the judiciary committee, with leave to report by bill or otherwise.

9. *Resolved*, That so much of the Governor's message as relates to habitual drunkenness, be referred to the standing committee on the judiciary.

10. *Resolved*, That so much of the Governor's message as relates to the affairs of the town of Indianapolis, be referred to the committee on the affairs of said town.

11. *Resolved*, That so much of the Governor's message as relates to education, be referred to the committee on education.

12. *Resolved*, That so much of the Governor's message as relates to the falls of the Wabash, be referred to the committee on internal improvements.

13. *Resolved*, That so much of the Governor's message as relates to a provision for paupers in this state, be referred to the same select committee, to which was referred a resolution of this House on that subject.

In which several resolutions, he asked the concurrence of the House. And

On motion,

The House concurred therein generally.

The Speaker then appointed Messrs. Read, Daniel and Ray a committee on the 5th resolution, and

On motion of Mr. Gray,

Messrs. Brown, Claypool and Hurst were added to the same select committee to whom was referred the 13th resolution.

Mr. Johnston of K. moved that the House take up the bill in addition and amendment of the act, entitled an act regulating and establishing the fees of the sev-

eral officers therein named ; which motion was decided in the negative.

The House then proceeded to consider the orders of the day.

Bills of the following titles, to wit:

1st. A bill amendatory of the several acts relative to decedents' estates.

2d. A bill divorcing Elizabeth Ayres and Fleming Ayres.

3d. And a bill to amend the act entitled, an act regulating the jurisdiction and duties of justices of the peace.

Were severally read the second time, the 1st, referred to the judiciary committee, the 2d, indefinitely postponed, and the 3d. referred to a committee of the whole for Tuesday next. And

On motion,

Ordered, That the public printer be directed to print 100 copies of the same, for the use of this House.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have adopted the following resolution:

Resolved, That a summons issue against Thomas H. Roberts, a justice of the peace of the county of Floyd, who has been impeached by the House of Representatives, of the crime of perjury, and that subpoenas for witnesses in behalf of the state, and also blank subpoenas for witnesses, in behalf of the accused be issued immediately, signed by the President of the Senate, and attested by the Secretary, returnable on the second day of January next, pursuant to the application of the House of Representatives, and that a copy of said summons, and of the articles of impeachment, be served on the accused, if found, and if not, that a copy of the same together with one or more blank subpoenas, be left at the usual place of residence of the accused. that the Senate will form themselves into a court of impeachment on said second day of January ; and that the House of Representatives be informed of the adoption of this resolution.

They have passed an engrossed bill entitled, an act to amend an act organizing circuit courts and defining their powers and duties, approved January 30. 1824, and also, to amend an act, entitled an act concerning prosecuting attorneys, approved January 20. 1826.

Said bill was read the first time, and the rule having first been dispensed with, was read a second time, and committed to a committee of the whole House to-morrow.

The House again resolved itself into a committee of the whole House, on the joint resolution "relative to the lands appropriated for the use of salt springs." And after some time spent therein—the Speaker resumed the Chair, and Mr. Hillis reported the same with one amendment; which was read and concurred in by the House.

Mr. Johnston of K. moved further to amend said joint resolution, by striking it out from the resolving clause.

Said joint resolution reads in the words following:

Resolved by the General Assembly of the state of Indiana, That our Senators and Representatives in Congress, be requested if possible, to procure the consent of the United States, for the state of Indiana to sell and convey in fee simple, (in such manner as the legislature may direct) all lands within said state, reserved for the use of salt springs, the proceeds to be held as a stock for the encouragement of common school education.

Which was decided in the negative.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Burnett, Hillis, Hurst, Johnston of K., Levenworth, M'Kinney, Marshall, Morgan, Ray, Roberts, Spann and Sweetser,—14.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hoover, Howk,

Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Martin, Matlock, Morris, Piercy, Read, Restine, Richardson, Sargeant, Slaughter, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—43.

Ordered, That said joint resolution be engrossed and read a third time to morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 15, 1826:

The House met pursuant to adjournment.

Mr. Restine presented a petition of Enoch Farmer and others, of Wabash county, praying the formation of a new county on the west side of the Wabash river; which was referred to a select committee.

Ordered, That Messrs. Restine, Little and Burnett be that committee.

Mr. Ferris, from the committee of ways and means, presented the following report, to wit:

Mr. Speaker,

The committee of ways and means, to whom was referred the communication of the Governor, enclosing the letter of the secretary of the treasury of the United States, and the bonds given by this state to the bank of Vincennes, and assigned by said bank to the United States, have had the same under consideration, and have directed me to report a bill making an appropriation, to pay the full amount of said claim remaining due.

They have also had under consideration, the petition of J. C. Caldwell, collector of Clark county, and are of opinion, that his request ought to be granted, and have directed me to report a provision in the above named bill for his relief.

The bill referred to in said report, was read the first

time, and ordered to be read a second time on to-morrow.

Mr. Beckes, from the committee of ways and means, presented the following report, to wit:

The committee of ways and means, upon examination of the books and accounts of the treasury, find the following items of expenditures, paid out of the contingent fund, by order of the Governor in 1826, to wit:

Postage to S. Henderson,	\$54 70
Allowance to marshall for collecting return of votes for President of U. S. &c.	4 00
Stationary and andirons, to Conner,	12 00
Freight and carriage on boxes of books directed to Gov. Indiana,	29 04
Letter paper, ink, quills, feriten, penknife, &c. for Governor and secretary,	30 66
W. H. Lilley for postage,	1 50
Desk and table for Adj. general, to F. T. Luce,	14 00
W. W. Wick secretary of state, making marginal notes, copying laws, &c.	85 00
W. H. Lilly, paper case to W. Smith,	18 00
Brass lock for secretary's office to A. W. Reed,	3 00
Printing Tennessee resolution, Smith & Bolton,	2 00
W. W. Wick secretary, superintending printing, &c.	25 00
Ditto, ditto, Cordage and packing,	3 50
Ditto, ditto, Ribband and tape,	1 25
Postage for Governor and secretary,	13 88
Making tract books for 17 counties and distributing same to S. Merrill,	20 94
Carriage and books per John Givan,	1 50
Repairs to secretary's office, J. E. Baker,	75
Letter paper, Holland quills, wafers, tape, sand, &c. to Governor, secretary, adjutant general and public printer,	50 38
Frames for declaration of Independence, to John Baly,	10 00
Painting same,	3 50

Printing notices for proposals for distributing laws, per Douglass & Maguire,	9 25
Blank books per secretary, John Sering,	11 25
Demanding fugitive from justice, John Ewing,	50 00
Prosecuting attorney, attending suits for agent of Indianapolis,	40 00
Postage,	67 75
B. I. Blythe, iron and carriage of same,	14 50
2 reams ruled paper per tract book,	10 50

\$588 23

Upon examination it will be seen that those allowances have been liberal in the extreme, even to a profusion, so much so that your committee have been constrained to express their decided disapprobation. Your committee would here remark, that if the salaries of our officers, should be found to be too low, it would be well to raise them, but this is not admitted. To remedy which, and if possible prevent a future recurrence of like evils, your committee would recommend a much smaller appropriation, for the contingent fund, for the present year. Among other matters referred to your committee is a bill requiring certain duties to be performed by the Auditor and Treasurer, the passage of the first section of which, your committee would earnestly recommend, and to that end the committee have directed me to report the following bill, to wit:

“A bill requiring certain duties to be performed by the auditor of public accounts, the secretary and treasurer of state.”

Said report and bill being read,

On motion of Mr. Stevens,

The same were ordered to lie on the table.

Mr. Lewis of F. submitted the following report, to wit:

Mr. Speaker,

The standing committee of claims to whom was referred the Knox county claim for keeping Lucey Bussey and Peggy Kisley, who were convicted of larceny, in the Knox circuit court, have had the same under

consideration, and directed me to report, that it is inexpedient to grant said claim.

Which report was concurred in by the House.

Mr. Wallace, from the committee on roads, to which was referred a petition of James Vaughn, reported a bill directing the agent of the three per cent. fund, to pay certain claims; which was read the first time, and ordered to a second reading to-morrow.

Mr. Johnston of K., from the select committee, to which was referred a communication of Charles B. Modisett, of Vigo county, reported as follows:

The committee to whom were referred the petition and accompanying documents of Charles B. Modisett, praying that articles of impeachment might be preferred against Robert Graham, a justice of the peace of Vigo county, have had the same under consideration, and beg leave to report:

That the said accusation contains four charges, to wit:

1st. Receiving monies as a justice of the peace of Vigo county, and refusing to pay them over, when demanded by the person entitled thereto.

2d. Neglecting to attend as such justice of the peace, the board of justices for transacting county business, for the last eighteen months.

3d. Neglecting to give bond and security as such justice of the peace, in conformity to the "act requiring certain public officers to give security, approved January 26th, 1824."

4th. Habitual and notorious drunkenness, thereby, in a great measure, disqualifying himself from discharging his duties as such justice of the peace.

As to the first charge, your committee would remark, that by the 27th section of the "act regulating the jurisdiction and duties of justices of the peace" (revised code, 1824, page 246,) an ample remedy is provided against a justice of the peace, who receives and refuses to pay over monies. Your committee cannot conceive that neglect of duty amounts to perjury; for if it should be so construed, what number of sheriffs, constables and lawyers in our state, would be subject to a charge and conviction of perjury? Such, your committee believe, was not the intention of the legislature, nor is it in accordance with the genius of our government.

As to the 2d charge, it may be remarked that by the 9th section of the "act to regulate the mode of doing county business, (revised code, page 88,) ample provision is made for the punishment of a justice of the peace, neglecting his duty to attend as a member of the board of county justices. Taking this charge into connexion with the fourth, the citizens of Vigo county, should felicitate themselves, that the said Graham has and does so fail to attend.

As to the 3d charge, it will be found upon reference to the 1st and 3d sections of the "act requiring certain public officers to give security," (revised code, 1824, page 272) that the fullest provision is made, by a heavy penalty, upon presentment or indictment, not only against the justice of the peace, who neglects to give bond and security, but also, against any person authorized to administer oaths, for swearing such justice into office.

Inasmuch then, as the law has provided modes and ample remedies of redress to the party injured, and affixed heavy penalties upon the culprit, your committee are of opinion, that the complainant should be left to and content with his remedy, in the ordinary course of proceedings, and the state not be involved in the expense of an impeachment, thereby adding materially to the already weighty burden upon our citizens.

And as to the fourth and last charge, your committee take a pleasure in expressing their regret that the vice of drunkenness is so prevalent in our state.

that it has even extended to disqualifying officers of justice. But at the same time, they would remark, that in their opinion, it is not a subject of charge whereon to ground an impeachment, much less to procure conviction and removal from office: and should Robert Graham be the *drunken sot* charged in the complaint, he must, he will, at no distant period, meet that execration from a discerning public, which such conduct deserves.

From a due consideration of the whole case your committee recommend the adoption of the following resolution:

Resolved, That it is unadvisable and would be improper to prefer articles of impeachment against Robert Graham, as a justice of the peace of Vigo county, upon the charges exhibited against him by Charles B. Modisett."

All which is respectfully submitted,

JOHN JACKSON,	} Committee.
G. W. JOHNSTON,	
CHARLES H. TEST,	

Which being read was concurred in by the House.

Mr. Read, from the select committee, to whom was referred a petition on that subject, reported as follows, to wit:

Mr. Speaker,

The committee to whom was referred the petition of Joseph Rainey, J. D. Clements and Julius Johnson, have had the same under consideration, and have directed me to report, that it is inexpedient to grant the prayer of said petitioners; which report was concurred in by the House.

On motion of Mr. Stevens,

Resolved, That his Excellency the Governor, be, and he is hereby requested, to lay before this House, the details containing all the particulars of the drafts of the year 1826, drawn by his Excellency on the contingent fund, so as to enable this House to understand whether the allowances and drafts be reasonable or not, and inform this House who this fugitive from justice was, (and from where he fled, and for what indicted,) for the reclamation of whom an allowance has been made as aforesaid.

On motion of Mr. Hurst,

Resolved, That so much of the Governor's message as refers to the northern boundary of this state, be referred to the judiciary committee.

On motion of Mr. Craig,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amend-

ing the revenue law, as to require that personal property shall be taxed according to its value.

On motion of Mr. Lewis of F.,

The House took up, and proceeded to consider the resolution offered by him on day, relative to allowing compensation to supervisors.

Mr. Lewis of F. moved to amend the same, by filling the blank with fifty cents per day; which was decided in the negative.

Said resolution was then adopted by the House.

Mr. Morgan presented the following resolution, for the consideration of the House, to wit:

Resolved, That the standing committee on roads, be requested to inquire into the expediency of passing a law authorizing the boards of justices in each county, whenever hereafter they shall order any new road to be laid out and established, to cause the county surveyor of said county, to attend with the viewers of said road, and survey and cause to be marked said road, and return a platt and notes thereof, which shall be recorded in the clerk's office of said county, and if on the return of said surveyor, the board of justices is of opinion said road will not be of public utility, the petitioners shall pay the cost of said survey.

And on the question being put, Shall said resolution be adopted? It was decided in the negative.

Mr. Wilson presented the following resolution, for the consideration of the House, to wit:

Resolved, That all parts of the Governor's message, which has not been referred to the different committees, be referred to a select committee, with leave to report by bill or otherwise.

And on the question being put, Shall said resolution be adopted? It was decided in the negative.

On motion of Mr. Little,

The House took up and proceeded to consider the resolution heretofore offered by Mr. Read, relative to reducing the fees of all state and county officers.

Mr. Ally moved to amend said resolution, by striking it out from its resolving clause, and inserting the following in lieu thereof:

That this House instruct the committee on the judiciary, to inquire into the expediency of reducing the salaries and fees of the several officers in this state.

A division of the question being called for, the question was taken upon striking out; and it was carried in the affirmative.

And on the question being put, Shall said resolution be amended as proposed by Mr. Ally; the same was carried in affirmative.

And the question being then put, Shall said resolution as amended, be adopted by the House? And the ayes and noes being demanded thereon, by Messrs. Johnston of K. and Hillis, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Gray, Hanna, Hillis, Hays, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—54.

And those who voted in the negative are,

Messrs. Burnett, Fitzgerald, Johnson of P., and Johnston of K.—4.

And so said resolution was adopted by the House.

Mr. Morris presented the following resolution for the consideration of the House, to wit:

Resolved, That so much of the Governor's message as relates to the ten per cent. on the money arising from the sale of lots in Indianapolis, claimed by the county of Marion, be referred to a select committee, and that the Senate be requested to appoint a similar committee on their part, to act jointly with said committee.

Mr. Lomax moved to amend the same, so as to refer the same to the committee on the affairs of the town of Indianapolis; and also, to strike out so much as re-

quires a similar committee on the part of the Senate; which was carried in the affirmative.

Mr. Gray then moved to lay said resolution on the table; which was decided in the negative.

Said resolution as amended was adopted by the House.

A message from the Governor, by James M. Ray, his private secretary.

EXECUTIVE DEPARTMENT, }
DECEMBER 15th, 1826. }

To the Speaker of the House of Representatives:

SIR—In reply to a resolution of the House of Representatives, of this instant, requesting me to lay before them the details, containing all the particulars, of the drafts of the year 1826, drawn on the contingent fund; and to inform the House who a certain fugitive from justice was, (and from where he fled, and for what indicted,) for the reclamation of whom an allowance has been made; I have the honor to state, that the drafts drawn on the contingent fund for the year 1826, and the considerations and particulars, for which they were drawn, are not in my possession, but in the office of the Treasurer of State, where it has been my custom to file them, and his to receive them, as his vouchers for the payment of the money; to which office, I would respectfully direct the attention of the House of Representatives, for the information they wish: And the record and request made of me, by the Knox circuit court, which I herewith lay before the House of Representatives, will fully shew, who the fugitive from justice was, and from where he fled, and for what indicted, for the reclamation of whom an allowance has been made. I will here take the liberty of remarking, that I felt sensible, when the allowance was made for making the demand on the Governor of Illinois alluded to, that it was only sufficient to cover *expenses*, presuming that the legislature, would recognize that clause in the constitution which makes it my duty to see the laws faithfully executed, and the constitution of the United States and laws of Congress, which make it my duty to make such

demands, and appoint agents to execute them, and make an adequate additional allowance for the services.

All of which is respectfully submitted.

I have the honor to be, most respectfully,

Your obedient servant,

J. BROWN RAY.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Spann,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue law, as to give longer time to the citizens of the state to pay their taxes, and of giving longer time to the collectors to pay the revenue into the state treasury.

Mr. Martin presented the following resolution, for the consideration of the House, to wit:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the law respecting roads and public highways, as to authorize the boards of justices in the several counties, to change any of such roads, on the application of any person, for that purpose, when the proposed change will not increase the distance more than one fourth of that part of said road proposed to be changed.

The question being put, Shall said resolution be adopted? It was decided in the negative.

On motion of Mr. Levenworth,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the law which authorizes the establishment of public roads and highways, as to authorize viewers when they lay out a road to assess damages in all cases when required; and that the special viewers to assess damages be dispensed with; that the board of justices be authorized to appoint supervisors at their January term, and to appoint supervisors at any other term when the board may deem necessary.

On motion of Mr. Hays,

Resolved by the House of Representatives, That the

committee on canals and internal improvements, of the Senate, be requested to meet and act with the committee of this House on the same subjects, at such place and time, as the respective chairmen may agree upon, the more effectually to prepare a general system upon which may be predicated a bill for the consideration of this legislature—and that the Senate be informed thereof, and the adoption of a similar resolution on their part requested.

Mr. Johnson of K. presented the following resolution for the consideration of the House:

Resolved, That a committee be appointed to call upon the treasurer of state, to furnish this House with a statement, and the vouchers upon which his Excellency, the Governor, drew moneys from the contingent fund during the present year.

Mr. Sweetzer moved to amend said resolution, by striking out all the words from the word “that” in the first line, to the word “vouchers” inclusive, and insert in lieu thereof, the following words: “That the Treasurer of state be, and he is hereby requested to furnish to this House a copy of the items and vouchers.”

Which was decided in the negative.

On the question being put, Shall said resolution be adopted? It was decided in the negative.

Mr. Ally presented the following resolution for the consideration of the House, to wit:

Resolved, That this House instruct the committee of ways and means to enquire into the expediency of so amending the act regulating the granting of store and tavern license, so as to authorize the boards of justices to grant license to any person praying for the same, agreeable to the amount of capital which they may have on hand at the time praying for the same, not to exceed twenty dollars, nor to be less than three dollars; and report by bill or otherwise.

And on the question being put, Shall said resolution be adopted? It was decided in the negative.

On motion of Mr. Ferris,

Resolved, That the committee of ways and means be discharged from the further consideration of that part

of the Governor's communication that refers to the salary of the agent of the state for the town of Indianapolis, and that the same be referred to the committee on the affairs of the town of Indianapolis.

Mr. Hillis presented the following resolution for the consideration of the House, to wit:

Resolved, That so much of the Governor's message as relates to memorializing congress relative to the late treaty with the Indians, be referred to a select committee, with leave to report, &c.

Mr. Piercy moved to lay said resolution on the table.

Which was carried in the affirmative.

Mr. Beckes presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on the judiciary be requested to enquire into the expediency of creating one or more judicial circuits.

Mr. Matlock moved to amend the same so as to enquire into the expediency of forming *one* new circuit.

Which was decided in the negative.

And on the question being put, Shall said resolution as proposed by Mr. Beckes be adopted? And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Bassett, Beckes, Brown, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Marshall, Morris, Restine, Richardson, Roberts, Stevens, Watts, Work and Moore, Sp'r—35.

And those who voted in the negative are,

MESSRS. Ally, Boon, Bullock, Burnett, Chamberlin, Dickson, Hays, Ketcham, Lomax, M'Kinney, Martin, Matlock, Morgan, Piercy, Ray, Read, Sargeant, Slaughter, Spann, Sweetzer, Test, Wallace and Wilson—23.

And so said resolution was adopted.

On motion of Mr. Ketcham,

Resolved, That the committee on roads be requested to enquire into the expediency of making it the duty of road viewers appointed under the provisions of the 7th & 8th sections of an act for opening and repairing public roads and highways—approved January 31st 1824) to make their report under oath to the proper court.

Mr. Hillis moved to discharge the committee on roads from the further consideration of a revision of the law relative to county roads; which was decided in the negative.

Mr. Morris after having obtained leave, presented a joint resolution of the General Assembly; which was read the first time, and passed to a second reading to-morrow.

Mr. Bassett, after having obtained leave, presented a bill in addition to the several acts now in force to regulate the militia of this state; which was read the first time, and passed to a second reading to-morrow.

Mr. Bullock, after having obtained leave, presented a bill authorizing Samuel S. Graham to convey certain lots in the town of Paris, in Jennings county; which was read the first time, and passed to a second reading to-morrow.

Mr. Richardson, after having obtained leave presented a bill for the relief of persons owning lots in Springfield, the late seat of justice of Posey county; which was read the first time, and passed to a second reading to-morrow.

Mr. Morgan, after having obtained leave, presented a bill regulating the marks and brands of stock; which was read the first time, and passed to a second reading to-morrow.

Mr. Ketcham, after having obtained leave, presented a bill declaring Salt Creek a public highway; which was read the first time, and passed to a second reading to-morrow.

Mr. Test, after having obtained leave, presented a bill amendatory to the several acts for assessing and collecting the revenue; which was read the first time, and passed to a second reading to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 16, 1826.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication and petition of James Mitchell of Monroe county, praying for an amendment of the existing laws regulating proceedings in suits at law, in civil cases; which was read and ordered to lie on the table.

The following message was received from his Excellency the Governor, by Mr. Morris, his private secretary, to wit:

EXECUTIVE DEPARTMENT, }
DECEMBER 16th, 1826. }

Hon. Speaker of the House of Representatives:

SIR—I hereby lay before the House, over which you have the honor to preside, two communications of Mr. Peale, proposing to furnish the state of Indiana, with a copy of the likeness of General Washington.

Most respectfully, I am, &c.

J. BROWN RAY.

Which was referred to the same select committee, to which that part of his Excellency the Governor's message was referred, upon the same subject.

The Speaker laid before the House, a report of the trustee of the Perry county seminary fund; which was read and referred to the committee on education.

Mr. Hoover presented a petition of Henry Thornburgh and others, of Fayette county, praying that part of said county may be attached to the county of Wayne; which was read and referred to a select committee.

Ordered. That Messrs. Hoover, Dickson and Lewis of F. be that committee.

Mr. Stevens presented a petition of John Buttles and others, of Switzerland county, praying certain regula-

tions relative to practising physicians; which was read and referred to a select committee.

Ordered, That Messrs. M'Kinney, Ferris, Richardson and Chamberlin be that committee.

Mr. Stevens, from the judiciary committee, reported as follows:

Mr. Speaker,

The committee on the judiciary, to whom was referred the consideration of the following subjects, to wit:

1. To inquire into the expediency of repealing the law authorizing the issuing of fee bills.

2. The expediency of making original writs in all actions at law, a lien on real estate from the time of service.

3. The expediency of calling a convention.

4. That part of the Governor's message respecting the criminal code.

5. The expediency of reducing the fees and salaries of all officers of the state.

6. The expediency of allowing appeals from the docket of justices of the peace to the supreme court. &c.

7. The expediency of repealing the law requiring a license to authorize persons to marry.

8. And that part of the Governor's message relating to habitual drunkenness:

Have had those subjects under their consideration, and have directed me to report, that so much thereof, as relates to habitual drunkenness and the criminal code, have been reported to this House, in the bill amending the criminal code, and the bill respecting the jurisdiction and duties of justices of the peace, so far as the committee think it expedient to act on those subjects. And have further directed me to report, that it is inexpedient to legislate, at this time, on any of the other subjects above named.

And the committee on the judiciary ask leave, further to report, that they have had under their consideration, the engrossed bill legalizing the marriage of Benjamin Patterson and Abigail Hults, and that it is the opinion of the committee, that the legislature have the power to, so far legalize marriages, as to make the issue legiti-

mate, but have great doubts whether the vested rights of third persons can be affected thereby ; and further, that it is the opinion of the committee that there are merits in the bill under consideration, and that it ought to pass.

Mr. Ferris moved to lay said report on the table ; which was decided in the negative.

On motion,

The House concurred in the 1st, 2d, 3d and 4th propositions in said report.

Mr. Read moved to lay on the table, that part of said report, which relates to reducing the fees and salaries of officers, &c. ; which was decided in the negative.

Mr. Bullock then moved to postpone the further consideration thereof, until the first Monday in January next ; which was also decided in the negative.

And on the question being put, Will the House concur in the 5th proposition in said report, which deems it inexpedient to legislate at this time, on the subject of reducing the fees and salaries of all officers in this state? And the ayes and noes being demanded by two members, are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Burnett, Clendenin, Craig, Daniel, Elliott, Fitzgerald, Gray, Hanna, Hays, Hoover, Hawk, Hurst, Jackson of V., Jackson of D., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Lewis of F., Lewis of W., M'Kinney, Marshall, Matlock, Morris, Restine, Slaughter, Stevens, Sweetser, Wallace, Work and Moore. Sp'r.—34.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Bullock, Chamberlin, Claypool, Dickson, Ferris, Hillis, Little, Long, Lomax, Martin, Morgan, Piercy, Ray, Read, Richardson, Roberts, Sargeant, Spann, Test, Watts and Wilson—24.

And so the same was concurred in.

Mr. Sweetser moved to lay that part of said report, on the table, which relates to appeals from the docket of

justices of the peace, to the supreme court; which was decided in the negative. And

On motion,

The House concurred therein; and also, in all the balance of said report.

The engrossed bill from the Senate, entitled, an act legalizing the marriage of Benjamin Patterson and Abigail Hults, was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DECEMBER 18, 1826.

The House met pursuant to adjournment.

The Speaker laid before the House, a report of the trustee of the seminary fund of Hamilton county; which was read and referred to the committee on education.

Mr. Boon presented a petition of James Walker and others, citizens of Green county, praying to be attached to the county of Sullivan; which was referred to a select committee.

Ordered, That Messrs. Boon, Johnston of K. and Claypool be that committee.

Mr. Hays presented a petition of Henry Anderson, collector of Parke county, praying certain relief; which was referred to a select committee.

Ordered, That Messrs. Hays, Wilson and Sargeant be that committee.

Mr. Dickson presented a remonstrance of Augustin Passmore and others, of Greene county, against any part of said county being attached to Monroe county; which was read and referred to the same select committee, to which was referred the petition of James Walker and others.

Mr. Jackson of V. presented a petition of Robert Bratton of Vigo county, praying articles of impeachment may be preferred against Gooding Holloway, a justice

of the peace of said county of Vigo, for certain malfeasance in office; which was read and referred to the committee on the judiciary.

Mr. Dixon presented a petition of Augustin Passmore and others, citizens of Greene county, praying a repeal of the present law for doing county business, and certain other relief; which was referred to a select committee.

Ordered. That Messrs. Dickson, Elliott and Gray be that committee.

Mr. Dickson also presented a petition of Ephraim Owen, jun. and others of Greene county, praying an alteration in the road law; which was referred to the committee on roads.

Mr. Stevens, from the judiciary committee, to whom was referred sundry resolutions on that subject, reported the following, which they deem all that is necessary to be reported on that subject, to wit:

A bill to amend the act entitled "an act regulating the practice of suits at law;" which was read the first time and passed to a second reading to-morrow.

Mr. Burnett, from the committee on military affairs, presented the following report, to wit:

Mr. Speaker,

The committee on military affairs, upon examination of the petition of L. Shelby, referred for their consideration, have directed me to report the claim of the petitioner admissible, and recommend a specific appropriation in favour of the petitioner, for twenty five dollars.

Which being read, was

On motion of Mr. Stevens,

Ordered to lie on the table.

Mr. Wallace, from the standing committee on roads, to whom was referred a petition on that subject, submitted the following report, to wit:

Mr. Speaker,

The committee on roads to whom was referred the petition of John M'Intire and others, citizens of Pike county, praying an alteration in the state road leading from Petersburg to Washington, have had the same under consideration, and have directed me to report,

that in their opinion the laws as administered in the ordinary courts of justice, are amply sufficient to furnish them with redress for any grievances complained of in said petition; they therefore ask to be discharged from the further consideration of the same.

Which report was concurred in by the House.

Mr. Read, from the select committee, to which was referred a resolution of this House on that subject, reported a bill to encourage the killing of wolves; which was read the first time and passed to a second reading to-morrow.

Mr. Jackson of V., from the select committee, to which was referred a petition on that subject, reported a bill to enable the citizens of Vigo county, to appropriate their road fund, to the removal of stagnant waters in said county; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Levenworth,

Resolved, That the committee on canals and internal improvements, be instructed to inquire into the expediency of reporting a bill organizing a board of commissioners, and directing said commissioners to examine and report to the next legislature, the expediency of constructing a rail road or canal, from the most convenient point of lake Michigan, in the state of Indiana, to Indianapolis, thence southward to the most convenient point on the Ohio river, together with the cost of construction, and all other information they may be able to acquire on the subject; at the same time suggesting a general system of internal improvement in the state.

On motion of Mr. Beckes,

Resolved, That Douglass Maguire be admitted within the bar of this House, as reporter of the proceedings thereof.

Mr. Ally presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on elections, be instructed to inquire into the expediency of so amending the law relative to contested elections, as to enable the board of justices, to give judgment against some person

or persons, for costs, with leave to report by bill or otherwise.

And on the question to adopt the same, it was decided in the negative.

Mr. Morris presented the following resolution, for the consideration of the House, to wit:

Resolved, That a select committee be appointed to investigate the expenditure of the contingent fund, accruing on account of the secretary's office, from the time the present incumbent was commissioned to that office, to the date of the report from the treasury department of the present year, with power to call upon the different departments for copies of documents and other information, and with instructions to report whether those expenditures have exceeded reasonable bounds, and if so, in what particular, and to what extent, and who is the blameable individual in the premises; also, with instructions to examine the office of the secretary of state, and make report of the manner of doing business therein.

Mr. Morgan moved to amend said resolution, so as to require said committee to report to this House, copies of all such documents, so far as the secretary of state is concerned; which was decided in the negative.

Mr. Sweetser moved to lay said resolution on the table; which was decided in the negative.

Mr. Test moved to amend said resolution, by striking out from the word resolved, to the word to, in the second line, and insert, "that the report of the committee of ways and means, now lying on the table, respecting the contingent fund, be re-committed to the said committee, and that they be directed." and then add at the end of the resolution, the words "and that Mr. Morris be added to said committee."

Mr. Morgan then moved that the House adjourn until two o'clock, P. M.; which was decided in the negative.

On the question to adopt the amendment proposed by Mr. Test, the same was decided in the negative.

Mr. Sweetser then moved to amend said resolution, by striking out the words "and who is the blameable in-

dividual in the premises ;” which was decided in the negative.

Mr. M’Kinney then moved to amend said resolution, by the addition of the following at the end thereof:

“And that said committee extend their examination, to the different departments of this state in which there may be vouchers in any manner connected with the expenditure of the contingent fund, since the year 1821.”

Mr. Bullock then moved to amend Mr. M’Kinney’s proposed amendment, by striking out 1821, and inserting 1824; which was decided in the negative.

Mr. Wilson then moved that the House adjourn until two o’clock, P. M. ; which was decided in the negative.

On the question to agree to the amendment proposed by Mr. M’Kinney, it was decided in the negative.

Mr. Slaughter then moved to amend the said resolution, by striking it out from the word resolved, and inserting the following in lieu thereof, to wit:

“That a select committee be appointed to inquire into the affairs of the office of the secretary of state, so far as the secretary is concerned in the disbursement of the contingent fund for the years 1825–6, and report the same.” And then,

On motion of Mr. Morgan,

The House adjourned until 2 o’clock, P. M.

2 o’clock, P. M.

The House met pursuant to adjournment.

The House resumed the consideration of the resolution offered by Mr. Morris, and the proposed amendment thereto.

Mr. Johnston of Knox then moved to amend the amendment proposed by Mr. Slaughter, by substituting the following in lieu thereof, to wit:

“That the report of the committee of ways and means made to this House, in regard to the disbursement of the contingent fund of the present year, be re-committed to the said committee, with instructions to report their opinion, (accompanied by a copy of the vouchers)

as to the several items contained in the account of said disbursement."

On the question to adopt Mr. Johnston's of Knox, proposed amendment, to the proposed amendment by Mr. Slaughter; the same was decided in the negative.

Mr. Hillis then moved to re-consider said vote; which was carried in the affirmative.

Mr. Read then moved to postpone indefinitely the further consideration of said resolution and proposed amendment.

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Chamberlin, Read, Richardson, Sweetser, Wallace and Wilson—6.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K. Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Watts, Work and Moore, Sp'r.—52.

And so said resolution and proposed amendments, were not postponed indefinitely.

The question was then put, Shall the amendment to the original resolution, be amended as proposed by Mr. Johnston of Knox?

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Daniel, Dickson, Gray, Hanna, Hays, Hillis, Hoover, Jackson of V., Johnston of P., Johnston of K., Ketcham, Lemon, Little, Lewis of F., Lomax, M'Kinney, Martin, Matlock, Morgan,

Piercy, Ray, Restine, Richardson, Roberts, Sargeant, Spanu, Stevens, Wilson, Work and Moore, Sp'r.—37.

And those who voted in the negative are,

Messrs. Alley, Bassett, Brown, Craig, Elliott, Ferris, Fitzgerald, Hawk, Hurst, Jackson of D. Levenworth, Long, Lewis of W., Marshall, Morris, Read, Slaughter, Sweetser, Test, Wallace and Watts—21.

And so said amendment was adopted.

Said resolution as amended, was then adopted by the House.

On motion of Mr. Lemon,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for the payment of the associate judges, for granting writs of injunction, and writs of habeas corpus.

On motion of Mr. Richardson,

Resolved, That the judiciary committee be, and they are hereby instructed to inquire into the expediency of amending the act providing for the commissioning of sheriffs and coroners, and regulating their duties, as to give to the sheriffs of their respective counties, the appointment of collectors of the state and county revenue, if they or any them choose to accept of it.

Mr. Chamberlin, after having obtained leave, presented a bill to extend a certain law therein named; which was read the first time, and passed to a second reading to-morrow.

Mr. Watts, after having obtained leave, presented a bill to amend an act declaring certain streams therein named, public highways, approved January 26, 1824; which was read the first time, and passed to a second reading to-morrow.

Mr. Richardson moved that the several bills, &c. in the orders of the day, which precede the bill from the Senate, relative to prosecuting attorneys, be postponed, and that the same be now taken up; which was decided in the negative.

The House then proceeded to consider the orders of the day.

The bill authorizing Henry Thornburgh and Henry Hoover, administrators of John Charles, deceased, to convey certain water privileges, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act, entitled "an act relative to crime and punishment, was read a second time, and committed to a committee of the whole House on Thursday next.

The bill providing for the sale of the real estate of Thomas Bullitt, deceased, was read a second time and committed to a committee of the whole House, and made the order of the day for Monday next.

The bill making an appropriation to pay the debt due from this state, to the United States, was read a second time, and committed to a committee of the whole House on to-morrow.

A message from the Senate by Mr. Farnham, their Assistant secretary:

Mr. Speaker,

The Senate has adopted a memorial of the legislature of the state of Indiana, in which they ask the concurrence of the House of Representatives.

They have also adopted the following resolution, viz:

Resolved. That the Senate reciprocate the resolution of the House of Representatives, asking a joint committee upon the subject of canals and internal improvements, and that the House of Representatives be informed thereof.

Said memorial was read and adopted by the House.

Ordered, That the Clerk inform the Senate thereof.

The bill directing the agent of the three per cent. fund to pay certain claims, was read a second time, and committed to a committee of the whole House on to-morrow.

The bill declaring Salt Creek a public highway.

The bill authorizing Samuel S. Graham to convey certain lots in the town of Faris, in Jennings county.

The bill for the relief of certain persons owners of lots in Springfield, the late seat of justice of Posey county.

And the joint resolution on the subject of certain public lands, in the vicinity of Indianapolis, were severally read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill in addition to the several acts now in force, regulating the militia of this state, was read a second time, and committed to the committee on military affairs.

The bill regulating the marks and brands of stock, was read a second time, and committed to a committee of the whole House on Friday next.

The bill amendatory to the several acts for assessing and collecting the revenue, was read a second time.

[The above bill provides for an ad valorem system of taxation.]

Mr. Lomax moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being demanded by two members, are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Burnett, Clendenin, Dickson, Elliott, Hoover, Hawk, Hurst, Johnston of K., Ketcham, Lemon, Levenworth, Little, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Sargeant, Slaughter and Work—22.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Bullock, Chamberlin, Claypool, Craig, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Long, M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—35.

And so said bill was not indefinitely postponed.

Mr. Bullock then moved to commit said bill to a committee of the whole House, and make it the order of the day for the first Monday in January next; which was carried in the affirmative.

Mr. Wilson then moved to direct the public printer to print 58 copies thereof.

Mr. Johnston of K. moved to amend, so as to print 100 copies; which was negatived.

Mr. Ferris moved to strike out 58, and insert 80; which was also negatived.

The question recurring on Mr. Wilson's motion; the same was also negatived.

The engrossed joint resolution, relative to lands appropriated for the use Salt Springs, was read a third time,

And on the question being put, Shall said joint resolution pass?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Ally, Bassett, Bullock, Chamberlin, Claypool, Clendenin, Craig, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morris, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spanu, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r—45.

And those who voted in the negative are,

MESSRS. Beckes, Burnett, Boon, Brown, Dickson, Johnston of K., Levenworth, M'Kinney, Morgan, Ray and Sweetzer—11.

And so said joint resolution passed.

Ordered. That the Clerk carry the same to the Senate, and ask their concurrence.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 19, 1820.

The House met pursuant to adjournment.

Mr. Chamberlin presented a petition of Harry Pier-son and others, of Madison county, praying the loca-tion of a certain state road therein named; which was read and referred to the committee on roads.

Mr. Bullock presented a petition of Robert Harding of Marion county, praying certain relief; which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Beckes moved to direct said committee to call on the agent of the state, for the town of Indianapolis, for information relative to said petition; which was carried in the affirmative.

Mr. Morris presented a remonstrance of Robert Brenton and others, of Marion county, against the peti-tion of—Wiles; which was read and ordered to lie on the table.

Mr. Howk, from the standing committee on education, to which was referred a petition and resolution of this House on that subject, reported a bill to amend an act, entitled "an act to incorporate congressional townships, and providing for public schools therein, approved Jan-uary 31, 1824; and also, the act to amend the same, approved February 12, 1825; which was read the first time, and passed to a second reading to-morrow.

Mr. Howk, from the standing committee on educa-tion, presented the following report, to wit:

Mr. Speaker,

The committee to whom was referred the petition of school trustees, of school sections in township No. 10 north, range No. 2 west, have had the same under con-sideration, and report that the 13th section of the act incorporating congressional townships, and providing for public schools therein, makes ample provisions for the grievances of said petitioners, and your committee therefore deem it unnecessary to act on the same.

Which report was concurred in by the House.

Mr. Howk, from the committee on education, to which was referred a bill legalizing the proceedings of

the school trustees of congressional township No. 9, range No. 2 west; also congressional township No. 12, in range No. 13, in Franklin county, reported the same without amendment. And

On motion,

The said bill was ordered to lie on the table.

Mr. Hillis, from the committee on the affairs of Indianapolis, to which was referred the petition of Robert Taylor, jun., reported a bill for his relief; which was read the first time, and passed to a second reading to-morrow.

Mr. Hillis, from the committee on the affairs of the town of Indianapolis, to which was referred so much of the Governor's message as relates to the salary of the agent of the state, for the town of Indianapolis, reported a bill raising his salary; which was read the first time, and passed to a second reading on to morrow.

Mr. Gray, from the select committee, to which was referred a petition of Jesse Jackson and others, citizens of Scott county, reported a bill declaring the Brushy Fork of the Muscatituck, a public highway, and for other purposes; which was read the first time, and passed to a second reading to morrow.

Mr. Boon submitted the following report, to wit:

Mr. Speaker,

The committee to whom were referred the petition of James Walker and others, citizens of Greene county, praying to be attached to the county of Sullivan, and the counter petition and remonstrance of Augustin Passmore and others, beg leave to report—That they have had the same under consideration, and find that about thirty families reside on a strip of cultivateable land, on the western boundary of Greene, and adjoining the eastern line of Sullivan, that between them and the county seat of Greene, there is an almost impassible quagmire and swamp, especially during the winter and spring seasons; but that the means of communication between them and the county seat of Sullivan, is at all seasons, practicable, easy and pleasant.

Your committee further find, that by accommodating those citizens, and granting the prayer of their petition,

the boundaries of Greene will not be reduced below her constitutional limits: wherefore, they believe that the request of the petitioners is reasonable, and ought to be granted, for which purpose, they report the following bill, to wit:

To attach part of the county of Greene, to the county of Sullivan; which was read the first time, and passed to a second reading to-morrow.

Mr. Lemon, from the select committee, to which was referred a petition of E. Mitchell and others, on that subject, reported a bill for defining the boundary line between the counties of Clark and Washington; which was read the first time, and passed to a second reading to-morrow.

Mr. Little submitted the following report, to wit:

Mr. Speaker,

Your committee to whom was referred the consideration of the law for the relief of the poor; also, so much of the Governor's message as relates to that subject, have had the same under consideration, and have directed me to report, that they think it inexpedient at this time, to legislate on that subject; which was concurred in by the House.

Mr. Johnson of P. submitted the following resolution for the consideration of the House, to wit:

Resolved, That the standing committee on roads be, and they are hereby required to enquire into the expediency of reducing the pay of commissioners on state roads, to one dollar per day, and that they report by bill or otherwise.

Mr. Beckes then moved to amend said resolution, so as to make it imperative on said committee to report a bill on that subject; which was decided in the negative.

Said resolution was then adopted by the House.

Mr. Restine presented the following resolution for the consideration of the House, to wit:

WHEREAS, doubts have arisen whether justices of the peace are authorized to receive exculpatory evidence in behalf of persons brought before them for examination upon criminal charges:

Therefore,

Resolved, That the judiciary committee be instructed to report a bill, amendatory to the act concerning crimes and punishments, requiring justices of the peace to admit all persons charged with criminal offences, to introduce such testimony as such accused persons may deem necessary for their defence.

Mr. Sweetser moved to lay said resolution on the table; which was decided in the negative.

Said resolution was then adopted by the House.

Mr. Lewis of W., from the joint committee for enrolled bills, reported that they did on this day, present to his Excellency the Governor, for his approval and signature, the enrolled bill, entitled "an act to authorize the board of justices of Ripley county, to appoint a lister in Brown township in said county."

Mr. Hawk moved to take up the report of the committee on military affairs, made on yesterday, relative to the claim of Isaac Shelby; which was carried in the affirmative. And

On motion of Mr. Hawk,

Resolved, That the report of the committee on military affairs, on the claim of Isaac Shelby, be committed to the committee of ways and means, with instructions to provide for the payment of said claim, in the specific appropriation bill.

On motion of Mr. Hillis,

The House took up the resolution offered by him some days since, relative to memorializing Congress, on the subject of the late treaty with the Indians.

Said resolution was then adopted by the House.

Whereupon,

The Speaker appointed Messrs. Hillis, Brown and Sweetser a committee in pursuance of said resolution.

Mr. Claypool, after having obtained leave, presented a joint resolution relative to the removal of the Pension office; which was read the first time, and

Thereupon,

Mr. Gray moved to reject the same.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Beckes, Burnett, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hawk, Hurst, Johnson of P., Johnston of K., Lemon, Levenworth, Marshall, Martin, Roberts, Sargeant, Slaughter, Sweetzer, Wallace, Wilson, Work and Moore, Sp'r—23.

And those who voted in the negative are,

MESSRS. Ally, Bassett, Boon, Brown, Bullock, Chamberlin, Claypool, Dickson, Elliott, Ferris, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Long, Lewis of F., Lomax, M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Spann, Stevens, Test and Watts—33.

And so said joint resolution was not rejected.

Said joint resolution passed to a second reading to-morrow.

Mr. Lewis of F. after having obtained leave, presented a bill regulating the manner of doing county business, in certain counties herein named, and also to elect township officers; which was read the first time, and passed to a second reading to-morrow.

Mr. Johnson of P. after having obtained leave, presented a bill authorizing the board of justices of Pike county, to vacate the alleys in the town of Petersburg; which was read the first time, and passed to a second reading to-morrow.

The House proceeded to consider the orders of the day.

The bill to amend an act entitled an act regulating the practice in suits at law.

The bill to extend a certain law therein named.

And the bill to amend the act declaring certain streams therein named, public highways, were severally read a second time, and committed to a committee of the whole House to-morrow.

The bill to enable the citizens of Vigo county, to appropriate their road fund to the removal of stagnant waters within said county, was read a second time, and committed to a committee of the whole House on Friday next.

The engrossed joint resolution on the subject of certain public lands, in the vicinity of Indianapolis.

And the engrossed bill authorizing Samuel S. Graham, to convey certain lots in the town of Paris, in Jennings county, were severally read a third time and passed.

Ordered, That the latter be entitled an act, and that the Clerk carry said joint resolution and act, to the Senate and ask their concurrence therein.

A message from the Governor, by J. M. Ray, his private secretary:

Mr. Speaker,

I am instructed by the Governor, to inform the House of Representatives, that he did on this day approve and sign an enrolled bill which originated in this House, entitled an act to authorize the board of justices of Ripley county, to appoint a lister in Brown township in said county.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed bill for the relief of owners of lots in Springfield, the late seat of justice of Posey county.

And the engrossed bill authorizing Henry Thornburgh and Henry Hoover, administrators of John Charles, deceased, to convey a certain water privilege, were read a third time and passed.

Ordered, That the same be entitled acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill in addition and amendment of the act regulating and establishing the fees of the several officers therein named: after some time spent therein—the Speaker resumed the Chair, and Mr. Sweetser reported said bill with several amendments.

Mr. Beckes moved that the House concur in said amendments generally.

Mr. Little then moved to postpone indefinitely, said bill and amendments made in committee of the whole.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Brown, Burnett, Chamberlin, Clendenin, Craig, Elliott, Fitzgerald, Gray, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Sargeant, Sweetser, Test, Wallace, Wilson and Work—37.

And those who voted in the negative are,

Messrs. Bassett, Boon, Bullock, Claypool, Daniel, Dickson, Ferris, Hanna, Jackson of D., Johnston of K., Levenworth, M'Kinney, Marshall, Ray, Richardson, Roberts, Slaughter, Spann, Stevens, Watts and Moore, Sp'r.—21.

And so said bill and amendments were indefinitely postponed.

The House resolved itself into a committee of the whole, on the bill from the Senate entitled "an act organizing circuit courts, and defining their powers and duties, approved January 30, 1824; and also, to amend an act, entitled "an act concerning prosecuting attorneys, approved January 20, 1826, and the bill of this House, to repeal an act entitled "an act concerning prosecuting attorneys; also, the 10th, 11th and 12th sections of the act entitled "an act organizing circuit courts, and defining their powers and duties: after some time spent therein—the Speaker resumed the Chair, and Mr. Howk reported the first named bill without amendment, and the last named bill with one amendment by striking it out from its enacting clause.

Mr. Howk then moved to lay the same on the table; which was decided in the negative. And

On motion,

The House concurred in the amendment made to the last named bill, in committee of the whole.

Mr. Bullock then moved further to amend the first

named bill, by the addition of the following, as a second section thereto, to wit:

Each prosecuting attorney shall receive as a salary, the sum of one hundred and fifty dollars per annum, except the prosecuting attorney in the fifth circuit, who shall receive the sum of two hundred dollars per annum.

Mr. Craig moved to amend said amendment, by striking out "fifty," so as to give said attorneys, but one hundred dollars per annum; which was decided in the negative.

The question was then put, Shall said bill be amended as proposed by Mr. Bullock?

And the ayes and noes being demanded thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Bullock, Chamberlin, Claypool, Dickson, Elliott, Fitzgerald, Gray, Hays, Hillis, Hawk, Hurst, Jackson of D., Jackson of V., Johnston of K. Ketcham, Lemon, Long, Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Roberts, Sargeant, Slaughter, Spann, Stevens and Work—38.

And those who voted in the negative are,

Messrs. Brown, Burnett, Clendenin, Craig, Daniel, Ferris, Hanna, Hoover, Johnson of P., Levenworth, Little, Lomax, Restine, Richardson, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—20.

And the bill was so amended.

Mr. Hillis then moved further to amend said bill, by striking it out from its enacting clause, and inserting the following in lieu thereof, to wit:

That on the first Monday of August next, and at the expiration of every subsequent two years, the qualified voters of each county, in every judicial circuit in this state, shall elect some person learned in the law, living within the bounds of the judicial circuit in which he is a candidate, a circuit prosecuting attorney, for such judicial circuit, to serve two years from and after the day of election.

Sec. 2. The clerks of the several counties in each circuit shall certify under their hands and seals, to the secretary of state, the person duly elected prosecutor, as aforesaid, within ten days after the election, and it shall be the duty of the Governor, to give a commission to such person, to serve as prosecutor, in the circuit in which he was elected, for the term aforesaid. This election shall be conducted as all other elections are conducted; and may be contested before the General Assembly of this state, at their first session after the election; sixty days notice thereof being given to the person whose election is contested. The prosecutor then elected and commissioned, shall be subject to perform all the duties required of prosecuting attorneys, by the laws now in force in this state.

Sec. 3. The Governor shall appoint and commission some person to serve as prosecutor, after the taking effect of this act, until the first Monday of August next, and until a successor is elected and qualified in each judicial circuit.

Sec. 4. This act is to be construed as an amendment to the several acts in force on this subject, so far as to change the mode of creating said officer.

Sec. 5. This act shall take effect, and be in force from and after its passage.

A division of the question being called for by Mr. Stevens, the question was taken on striking out said bill from its enacting clause.

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Elliott, Ferris, Fitzgerald, Hays, Hillis, Howk, Jackson of D. Lemon, Long, M'Kinney, Ray, Richardson, Roberts, Spann, Sweetser, Test and Work—19.

And those who voted in the negative are,

Messrs. Alley, Beckes, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Gray, Hanna, Hoover, Hurst, Jackson of V.,

Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Sargeant, Slaughter, Stevens, Wallace, Watts, Wilson and Moore, Sp'r.—39.

And so said bill was not stricken out.

Mr. Howk moved further to amend said bill, by striking it out from its enacting clause, and inserting the following in lieu thereof, to wit:

“That the act entitled an act, concerning prosecuting attorneys, approved January 20, 1826, and the 10th, 11th and 12th sections of the act entitled, an act organizing circuit courts, and defining their powers and duties, approved January the 30th, 1824, be and the same are hereby repealed.”

This act to take effect, and be in force, from and after its passage.

And on the question being put, Shall said bill be so amended?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Bassett, Burnett, Elliott, Ferris, Fitzgerald, Hays, Hillis, Howk, Jackson of D., Lemon, Long, M'Kinney, Marshall, Morris, Ray, Roberts, Spann, Test and Work—19.

And those who voted in the negative are,

MESSRS. Ally, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Gray, Hanna, Hoover, Hurst, Jackson of V., Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Lewis of F., Lewis of W., Lomax, Martin, Matlock, Morgan, Piercy, Read, Restine, Richardson, Sargeant, Slaughter, Stevens, Sweetzer, Wallace, Watts, Wilson and Moore, Sp'r.—39.

And so said motion was decided in the negative.

Mr. Ferris then moved to postpone the further consideration of said bill, as amended indefinitely.

And the ayes and noes being demanded thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Burnett, Daniel, Ferris, Fitzgerald, Hays, Hillis, Jackson of D., Jackson of V., Lemon, Long, M'Kinney, Ray, Roberts, Spann, Test, and Work—18.

And those who voted in the negative are,

Messrs. Ally, Beckes, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Dickson, Elliott, Gray, Hanna, Hoover, Howk, Hurst, Johnson of P., Johnston of K. Ketcham, Levenworth, Little, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Sargeant, Slaughter, Stevens, Sweetser, Wallace, Watts, Wilson and Moore, Sp'r.—39.

And so said bill was not indefinitely postponed.

Mr. Ferris moved further to amend said bill, by striking out the words "from and after its passage," and insert the words "from and after its publication," at the end thereof; which was decided in the negative.

Ordered, That the amendment to said bill be engrossed, and with said bill, be read a third time to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 20, 1826.

The House met pursuant to adjournment.

A message from the Senate by Mr. Farnham, their Assistant secretary:

Mr. Speaker,

The Senate has passed the following engrossed bills, entitled acts, viz.

An act to authorize Robert R. Roberts and others, to keep a public ferry on the West Fork of White river, in Owen county.

And an act for the benefit of the widow and heirs of

Peter B. Wright, deceased ; in which the concurrence of the House of Representatives is requested.

Said bills were read the first time, and passed to a second reading to-morrow.

The following message, in writing, was received from his Excellency the Governor, by William W. Wick, to wit:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS DECEMBER 20th, 1826. }

Hon. Speaker of the House of Representatives:

SIR—I hereby lay before the House over which you have the honor to preside, a printed communication from the secretary of war, containing a series of enquiries relative to a complete system of cavalry tactics ; and also, a system of instruction of field artillery, including manœuvres for light or horse artillery, for the use of the militia of the United States, which will be doubtless interesting to the committee on military affairs.

Most respectfully, I remain,
your obedient servant.

J. BROWN RAY.

Which was read, and with accompanying document, referred to the committee on military affairs.

The Speaker laid before the House, a report of the trustee of the Greene county seminary fund ; which was referred to the committee on education.

Mr. Bullock presented a petition of Henry Loper and others, of Jennings county, praying a law to pass for the improvement of the navigation of Sand creek ; which was referred to a select committee.

Ordered. That Messrs. Bullock, Lemon and Levenworth be that committee.

Mr. Lewis of W. from the committee for enrolled bills, reported that they have compared the enrolled with the engrossed bill, entitled “an act legalizing the marriage of Benjamin Patterson and Abigail Hults,” and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

Mr. Morris presented an account of L. Basye, of Marion county, for certain work done by him on the court house square in said county; which was referred to the committee on claims.

Mr. Ferris, from the committee of ways and means, submitted the following report, to wit:

Mr. Speaker,

The committee of ways and means, to whom was referred the petition of the sheriff of Jennings county, have had the same under consideration, and have directed me to report, that they are of opinion it would be inexpedient to grant said sheriff further time to collect and pay over the taxes of said county. And

On motion of Mr. Bullock,

Said report was ordered to lie on the table.

Mr. Stevens, from the judiciary committee, submitted the following report, to wit:

Mr. Speaker,

The committee on the judiciary, to whom was committed a bill from this House entitled, "a bill amendatory of the several acts relative to decedents' estates," have had the same under consideration, and have directed me to report that the substance of that bill is incorporated into a bill, which will be introduced by the committee; and therefore recommend the following resolution, viz:

Resolved, That said bill be laid upon the table.

Which report was concurred in by the House.

Mr. Stevens, from the same committee, also submitted the following, to wit:

Mr. Speaker,

The committee on the judiciary, to whom was committed a bill from this House entitled, "a bill regulating the interest on money," have had the same under consideration, and have made no amendment thereto, but are of opinion that said bill ought not to pass; therefore recommend the following resolution: viz:

Resolved, That said bill be indefinitely postponed.

And on the question being put, Will the House concur in said report?

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Bullock, Burnett, Dickson, Elliott, Ferris, Gray, Hillis, Hoover, Howk, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Spann, Sweetser, Test, Wallace, Watts, Wilson and Work—40.

And those who voted in the negative are,

Messrs. Ally, Brown, Chamberlin, Claypool, Craig, Daniel, Fitzgerald, Hanna, Hays, Hurst, Lewis of F., Ray, Slaughter, Stevens and Moore, Sp'r.—15.

And so said report was concurred in by the House, and said bill indefinitely postponed.

Mr. Stevens, from the same committee, also submitted the following report for the consideration of the House, viz:

Mr. Speaker,

The committee on the judiciary to whom was referred the petition of Robert Brattou, preferring charges against Gooding Holloway, in his official capacity as justice of the peace, praying that said Holloway might be impeached, have had the same under consideration, and have directed me to report that the law provides ample remedy for all the evils complained of. And further that the committee had not sufficient evidence before them, to authorize an impeachment; therefore deem it inexpedient to further investigate the subject.

Which report was concurred in by the House.

Mr. Stevens, from the same committee, reported further as follows, to wit:

Mr. Speaker,

The committee on the judiciary to whom was referred the following subjects, to wit:

1. An inquiry into the expediency of authorizing

sheriffs to appoint the collectors of state and county revenue.

2. An inquiry into the expediency of allowing to associate judges perquisites for granting writs of injunction, and writs of habeas corpus.

3. An inquiry into the expediency of altering the general laws respecting the mode of doing county business; have had those subjects under their consideration, and have directed me to report, that it is inexpedient to legislate on those subjects at this time.

Which report was concurred in by the House.

Mr. Stevens, from the same committee, to which was referred a resolution of this House, upon that subject, reported a bill organizing probate courts, and defining their powers and duties; which was read the first time, and passed to a second reading to-morrow.

Mr. Stevens, from the same committee, to which was referred the petition of Elijah H. Crawford and others, respecting the discharge of prisoners on habeas corpus, reported a bill directing the mode of suing out and prosecuting writs of habeas corpus; which was read the first time, and passed to a second reading to-morrow.

Mr. Howk, from the committee on education, submitted the following report, to wit:

Mr. Speaker,

The committee on education, in obedience to the instructions of this House, have inquired into the expediency of constituting the board of justices of the respective counties, ex officio trustees of their county library, and deem the same inexpedient.

Which report was concurred in by the House.

Mr. Wallace, from the committee on roads, to which was referred a petition of John W. Williams and others, reported a bill establishing a road from Crawfordsville in Montgomery county, to Covington in Fountain county; which was read the first time, and passed to a second reading to-morrow.

Mr. Wallace, from the same committee, to which was referred sundry resolutions of this House, concerning the opening of public roads and highways, reported a bill to amend an act, entitled "an act for opening and

repairing public roads and highways, approved January 31, 1824;" which was read the first time, and passed to a second reading to-morrow.

Mr. Lewis of F., from the select committee, to which was referred a petition and remonstrance on that subject, reported a bill re-attaching part of the county of Union, to the county of Franklin; which was read the first time, and passed to a second reading to-morrow.

Mr. Hays, from the select committee to which was referred the petition of Henry Anderson, collector of Parke county, reported a bill for his relief; which was read the first time, and passed to a second reading to-morrow.

Mr. Marshall, from the select committee, to which was committed the bill authorizing Alexander Craig, to erect a dam across the West Fork of White river, reported the same with an amendment, by the addition of three sections, numbered 4, 5, 6; which was concurred in by the House.

Mr. Restine, from the select committee, to which was referred the petition of John Carey and others, reported a bill for the formation of a new county, out of the county of Wabash; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Lemon,

Resolved, That a select committee be appointed to examine the improvements made by Asahel Dunning, on the land belonging to the state, under a contract made at the last session of the General Assembly, and that they report specially, whether the improvements made, be such as are required by said contract.

Whereupon,

The Speaker appointed Messrs. Lemon, Beckes and Morris a committee in pursuance of said resolution.

On motion of Mr. Marshall,

Resolved. That the committee on canals and internal improvements, be and they are hereby required to inquire into the expediency of appropriating the sum of three hundred dollars, for the improvement of the East Fork of White river, from the junction of Blue river

and Sugar creek, to the mouth of the Muscatituck, and that they report by bill or otherwise.

Ordered, That Mr. Marshall be added to that committee.

Mr. Hurst presented the following resolution, for the consideration of the House, to wit:

Resolved, That the committee on canals and internal improvements, be directed to inquire into the expediency of reporting a bill suspending any further disbursement of the \$100,000, commonly called the three per cent. fund, after the contracts which are now made, are paid off, and for the repeal of the act appropriating \$100,000 upon certain state roads.

Mr. Beckes then moved to amend the same, so as to make it imperative on that committee to report a bill on that subject; which was decided in the negative.

Said resolution was then adopted by the House.

Mr. Matlock presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of so changing the military law, as to reduce mustering to three or less times a year; and also, to inquire into the expediency of reducing conscientious and other muster fines.

Mr. Sweetser then moved to amend said resolution, so as to read as follows, to wit:

“That the committee on military affairs be instructed to report a bill amending the militia law, so as to reduce the number of musters to three or less in each year, and for the reduction of the amount of muster fines generally.

Mr. Beckes then moved to amend the amendment, by striking out the word “three” and inserting “two;” which was decided in the negative.

Mr. Gray then moved to lay said resolution and proposed amendment on the table; which was decided in the negative.

Mr. Lemon moved that the House adjourn until two o'clock, P. M.; which was decided in the negative.

And on the question being put, Shall said resolution

be amended as proposed by Mr. Sweetser? It was decided in the affirmative.

The question was then put, Shall said resolution as amended be adopted by the House?

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnston of K., Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spaun, Stevens, Sweetser, Test, Wallace, Watts and Moore, Sp'r.—50.

And those who voted in the negative are,

Messrs. Burnett, Hillis, Johnson of P., Ketcham, Lemon, M'Kinney and Wilson—7.

And so said resolution as amended, was adopted by the House.

On motion,

Mr. Matlock was added to the committee on military affairs.

Mr. Johnston of K. presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of making an allowance to Major Generals, for postage expended and paid by them on letters, &c. addressed to them in their official capacity, and that said committee report thereon by bill or otherwise.

Mr. M'Kinney then moved that the further consideration of said resolution, be indefinitely postponed.

Mr. Wilson then moved that the House adjourn until two o'clock, P. M.; which was decided in the negative.

The question then recurring on Mr. M'Kinney's mo-

tion to postpone the further consideration of said resolution indefinitely, the same was carried in the affirmative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Beckes moved to re-consider the vote of this morning, indefinitely postponing the resolution offered by Mr. Johnston of K.; which was carried in the affirmative.

Mr. M'Kinney then withdrew his motion to indefinitely postpone said resolution.

And the same was then adopted by the House.

Mr. Ally presented the following resolution for the consideration of the House, to wit:

Resolved, That this House instruct the committee of ways and means, to inquire into the expediency of the more fully setting out the fees of the several officers in this state, with leave to report by bill or otherwise.

Mr. Beckes moved to amend said resolution, so as to refer it to a select committee; which was decided in the affirmative.

Said resolution as amended, was then adopted by the House.

Whereupon,

The Speaker appointed Messrs. Ally, Brown and Beckes a committee in pursuance of said resolution.

On motion of Mr. Read,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, a form for collectors to make deeds to persons who have or may purchase real estate at the sale of said collectors.

Mr. Ferris, after having obtained leave, presented a bill to provide for recording of marks and brands, and posting estrays in the counties therein named; which was read the first time, and passed to a second reading to-morrow.

Mr. Johnson of P., after having obtained leave, presented a bill to provide for the removal of obstructions

in the river Patoka; which was read the first time, and passed to a second reading to-morrow.

Mr. Richardson, after having obtained leave, presented a bill amendatory to an act, entitled "an act for the relief of revolutionary soldiers, approved January 17, 1826;" which was read the first time, and passed to a second reading to-morrow.

Mr. Ferris, after having obtained leave, presented a bill to amend the several acts now in force, regulating fees; which was read the first time, and passed to a second reading to-morrow.

Mr. Slaughter, after having obtained leave, presented a bill to incorporate the county seminary of Harrison county; which was read, and passed to a second reading to-morrow.

The House proceeded to consider the orders of the day.

The bill to amend the act entitled "an act incorporating congressional townships, and providing for public schools therein, approved January 31, 1824; and also, the act to amend the same, approved February 12, 1825," was read the second time, and committed to a committee of the whole House to-morrow.

The bill for defining the boundary line between the counties of Clark and Washington, was read a second time, and committed to a committee of the whole House on Tuesday next.

The House resolved itself into a committee of the whole, on the bill making an appropriation to pay the debt due from this state, to the United States: after some time spent therein—the Speaker resumed the Chair, and Mr. Beckes reported the same, with sundry amendments; which were read and concurred in by the House.

Ordered. That said bill be engrossed, and read a third time to-morrow.

The bill to attach a part of the county of Greene to the county of Sullivan, was read a second time, and ordered to be committed to a committee of the whole House, on the first Monday in January next.

The bill for the relief of Robert Taylor, jun. was read a second time.

[The above named bill extends to said Taylor, the benefit of the law of last session, for the relief of purchasers of lots in the town of Indianapolis.]

Whereupon,

Mr. Beckes moved to postpone said bill indefinitely.

And on the question being put, Shall said bill be postponed indefinitely, as proposed by Mr. Beckes?

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Brown, Burnett, Claypool, Craig, Elliott, Hanna, Hoover, Howk, Jackson of D. Johnston of K., Lemon, Levenworth, Lewis of W., Lomax, Restine, Richardson, Sweetser, Test and Work—22.

And those who voted in the negative are,

Messrs. Boon, Bullock, Chamberlin, Clendenin, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hays, Hillis, Hurst, Jackson of V., Johnson of P., Ketcham, Little, Long, Lewis of F., M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Roberts, Sargeant, Slaughter, Spann, Wallace, Watts, Wilson and Moore, Sp'r.—35.

So said bill was not indefinitely postponed.

Said bill was then committed to a committee of the whole House, and made the order of the day for Friday next.

The bill declaring the Brushy Fork of the Muscatuck, a public highway, was read a second time and ordered to be engrossed, and read a third time to-morrow.

The bill for raising the salary of the agent for the state, for the town of Indianapolis, was read a second time, and committed to a committee of the whole House for Saturday next.

The joint resolution relative to removing the Pension office, was read a second time, and committed to a committee of the whole House on Wednesday next.

The bill authorizing the board of justices of Pike county, to vacate the alleys in the town of Petersburg, was read a second time, and committed to a committee of the whole House on Monday next.

The bill regulating the manner of doing county business, in certain counties named therein, was read a second time, and committed to a committee of the whole House on Saturday next.

The engrossed bill from the Senate, to amend an act organizing circuit courts, and defining their powers and duties, approved January 30, 1824; and also, to amend an act entitled an act concerning prosecuting attorneys, approved January 20, 1826, was read a third time as amended.

And on the question being put, Shall said bill as amended pass?

And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Dickson, Gray, Hanna, Hoover, Hawk, Hurst, Jackson of V., Johnson of P., Johnston of K. Ketcham, Levenworth, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Sargeant, Slaughter, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—43.

And those who voted in the negative are,

Messrs. Boon, Burnett, Daniel, Ferris, Fitzgerald, Hays, Hillis, Jackson of D., Lemon, Long, Ray, Richardson, Roberts and Spann—14.

And so said bill passed as amended.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their Assistant secretary:

Mr. Speaker,

The Senate has passed the following engrossed bills, entitled acts, viz.

1st. An act directing the manner in which notices shall be given, upon petitions to be presented to the General Assembly of this state.

2d. An act amending an act supplemental to an act, entitled an act defining the duties of recorders, and pointing out the mode of conveying real estate, approved February 12, 1825.

3d. And an act for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of Rush county.

In all of which, they ask the concurrence of the House of Representatives.

The first named bill, to wit: the engrossed bill entitled "an act directing the manner in which notices shall be given, upon petitions to be presented to the General Assembly of this state," being read,

Mr. Beckes moved to reject the same.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Bassett, Beckes, Boon, Brown, Bullock, Burnett, Claypool, Craig, Daniel, Dickson, Gray, Hanna, Hillis, Hoover, Hawk, Hurst, Jackson of D., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Marshall, Martin, Morgan, Peirce, Ray, Read, Richardson. Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r—41.

And those who voted in the negative are,

MESSRS. Ally, Chamberlin, Clendenin, Elliott, Ferris, Fitzgerald, Hays, Jackson of V., Lewis of W., Lomax, M'Kinney, Matlock, Morris, Restine, Roberts, Slaughter and Wilson—17.

And so said bill was rejected.

The second named bill, to wit: the engrossed bill entitled, an act defining the duties of recorders, and pointing out the mode of conveying real estate, approved February 12, 1825, was read the first time;

Whereupon,

Mr. Beckes moved to reject the same; which was decided in the negative.

Said bill was ordered to be read a second time to-morrow.

The third named bill was read the first time, and passed to a second reading to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 21, 1826.

The House met pursuant to adjournment.

The Speaker laid before the House, a report of the trustee of the county seminary fund of Johnson county; which was read and referred to the committee on education.

Mr. Brown presented a petition of Ephraim Goble and others, of Union county, praying the alteration of a certain state road named therein; which was read and referred to a select committee.

Ordered, That Messrs. Brown, Clendenin and Read be that committee.

Mr. Restine presented a petition of Stephen Taylor and others, of Fountain county, praying certain relief; which was read and referred to a select committee.

Ordered, That Messrs. Restine, Piercy and Little be that committee.

Mr. Ray, from the select committee to which was referred a petition of Nimrod Ferguson and others, and the remonstrance of Sampson Stevens and others, reported a bill to attach part of the county of Wayne, to the county of Fayette; which was read the first time:

Whereupon,

Mr. Lomax moved to reject said bill; which was carried in the affirmative.

Mr. Read presented the following report, to wit:

Mr. Speaker,

The committee to whom was referred that part of the

Governor's message, which relates to the purchase from Mr. Peale, of a well executed portrait of General Washington, have had the same, with additional documents on the same subject, under their consideration, and have directed me to report, that although they view with the warmest admiration and reverence, the memory of that illustrious man, and recognize in him the Father and founder of American liberty, whose services are deeply impressed upon the hearts of his grateful countrymen, doubt whether by the purchase proposed, there would not be a departure from that proper economy which he ever enjoined, as not only adapted to the simplicity of republican institutions, but as a protection against the progress of luxury and corruption. Your committee doubt whether marble or canvass, though breathing under the genius-working powers of a Phidias or Apelles, a Canova or a Peale, are necessary to keep alive that love and devotion, to the father of his country, which entabled on the hearts of Americans must defy the march of time. Your committee regard with pride, the celebrity which Mr. Peale has acquired as an artist. They view the reputation of our country promoted by his devotion to the art which his genius has entitled to general patronage. Your committee conceive that the money of this state should be expended for the general good, and that the expenditure of \$1000 for the proposed portrait, would exceed the proper resources of the state, be confined in its effects to the seat of government, and uncalled for by the people; they have therefore directed me to report the said purchase as inexpedient at the present time.

Which report was concurred in by the House.

Mr. Hanna, from the select committee to which was referred a petition on that subject, reported a bill for the formation of a new county out of the county of Delaware; which was read the first time, and passed to a second reading to-morrow.

Mr. Johnson of P., from the select committee, to which was referred the petition of F. F. Sawyer, executor of Daniel Sawyer, deceased, reported a bill to authorize the said Franklin F. Sawyer, to sell and con-

vey certain real estate; which was read the first time, and passed to a second reading to-morrow.

Mr. Hoover presented the following report, to wit:

Mr. Speaker,

The select committee to whom was referred the petition of Henry Thornburgh and others, of Fayette county, praying to be attached to the county of Wayne, have had the same under consideration, and have instructed me to report, that it would be inexpedient to grant the prayer of said petitioners.

Which was concurred in by the House.

Mr. Read presented the following report, to wit:

Mr. Speaker,

The committee to whom was referred the petition of sundry citizens of Daviess county, praying to be attached to Lawrence county, have had the same under consideration, and have directed me to report, that the prayer of said petitioners is reasonable, but in consequence of the unsettled state of affairs relative to the county seat of Lawrence, they think it inexpedient to grant the prayer of said petitioners at this time.

Which was concurred in by the House.

Mr. Ally presented the following resolution for the consideration of the House:

Resolved, That this House instruct the committee of ways and means, to inquire into the expediency of so amending the law, as to give non-residents a longer time than two years, to redeem land which may hereafter be sold for taxes.

Mr. Beckes moved to amend the same, so as to refer it to a select committee; which was decided in the negative. And,

On motion of Mr. Claypool,

Said resolution was ordered to lie on the table.

Mr. Bassett, after having obtained leave, presented a bill in addition to the act entitled, an act regulating the fees of the several officers therein named, approved January 30, 1824; which was read the first time.

Whereupon,

Mr. Hurst moved to reject the same; which was decided in the negative.

Ordered, That said bill be read a second time to-morrow.

A message from the Senate, by Mr. Farnham their Assistant Secretary:

Mr. Speaker,

The Senate concur with the House of Representatives, in the amendments made by them, to the engrossed bill of the Senate, entitled an act to amend an act organizing circuit courts and defining their powers and duties, approved January 30, 1824; and also, to amend an act entitled, an act concerning prosecuting attornies, approved January 30, 1826.

Mr. Ally, after having obtained leave, presented a bill authorizing sheriffs to solemnize marriages; which was read the first time, and passed to a second reading to-morrow.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate, entitled an act to authorize Robert R. Roberts and others, to keep a public ferry, on the West Fork of White river in Owen county, was read a second time.

Whereupon,

Mr. Johnston of K. moved to postpone the further consideration thereof indefinitely; which was decided in the negative.

Said bill was then committed to a committee of the whole House for Saturday next.

The engrossed bill from the Senate, entitled an act for the benefit of the widow and heirs of Peter B. Wright, deceased, was read a second time and committed to a committee of the whole House to-morrow.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

M. Lewis of W. from the joint committee for enrolled bills, reported that they did on this day present to the Governor, for his approval and signature, an enrolled bill entitled "an act legalizing the marriage of Benjamin Patterson and Abigail Halls.

The House resumed the consideration of the orders of the day.

The bill re-attaching a part of the county of Union, to the county of Franklin, was read a second time, and committed to a committee of the whole House to-morrow.

The bill organizing probate courts, and defining their powers and duties, was read a second time and committed to a committee of the whole House on Thursday next.

Mr. Little then moved that the Clerk direct the public printer to print 60 copies of said bill, for the use of the members of this House.

Mr. Hillis moved to strike out 60, and insert 150; which was decided in the negative.

Mr. Little's motion was then carried in the affirmative.

The bill directing the mode of suing out, and prosecuting writs of habeas corpus, was read a second time, and committed to a committee of the whole House on Wednesday next.

Mr. Morgan moved that the public printer be directed to print 60 copies of said bill, for the use of the members of this House; which was decided in the negative.

The engrossed bill making an appropriation to pay the debt due from this state, to the United States.

And the engrossed bill declaring the Brushy Fork of Muscatituck, a public highway, and for other purposes; were severally read a third time and passed.

Ordered, That the same be entitled acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The bill for the formation of a new county out of the county of Wabash, was read a second time and committed to a committee of the whole House, on Saturday next.

The bill to establish a state road from Crawfordsville in Montgomery county, to Covington in Fountain county, was read a second time, and committed to a committee of the whole House on to-morrow.

The bill to amend an act entitled, "an act for opening

and repairing public roads and highways, approved January 31, 1824," was read a second time:

Whereupon,

Mr. Bullock moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Ally, Bullock, Craig, Ferris, Hillis, Johnson of P., Lemon, Read, Watts and Work—10.

And those who voted in the negative are,

MESSRS. Bassett, Beckes, Boon, Brown, Burnett, Chamberlin, Claypool, Clendenin, Dickson, Elliott, Fitzgerald, Gray, Hanna, Hays, Hoover, Hurst, Jackson of D., Jackson of V., Johnston of K., Ketcham, Levenworth, Little, Long, Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Wilson and Moore. Sp'r—45.

So said motion was decided in the negative.

Mr. Morgan then moved to lay said bill on the table; which was also decided in the negative.

Said bill was then committed to a committee of the whole House on Monday next.

The bill for the relief of Henry Anderson, collector of Parke county for the year 1824,

The bill amendatory to the act entitled, an act for the relief of revolutionary soldiers, approved January 17, 1826, were read a second time and committed to a committee of the whole House on Saturday next.

The bill to provide for recording marks and brands, and posting estrays in the counties named therein, was read a second time, and committed to a committee of the whole House to-morrow.

The bill to provide for removing the obstructions in the river Patoka, and the engrossed bill from the Senate, entitled an act amendatory to an act supplementary to an act, entitled an act defining the duties of recorders,

and pointing out the mode of conveying real estate, were read a second time and committed to a committee of the whole House to-morrow.

The bill to incorporate the county seminary of Harrison county, was read a second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend the several acts in force in this state, regulating fees, was read a second time and committed to a committee of the whole House on Tuesday next.

The engrossed bill from the Senate, entitled an act for the relief of the securities of N. W. Marks, late sheriff of Rush county, was read a second time, and ordered to be read a third time to-morrow.

The engrossed bill declaring Salt creek a public highway, was read a third time and passed.

Ordered, That the same be entitled "an act," and that the Clerk carry the same to the Senate, and ask their concurrence therein.

And then the House adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, DECEMBER 22, 1826.

The House met pursuant to adjournment.

Mr. Beckes presented a petition of J. C. S. Harrison and others, of Knox county, praying an alteration in the law relative to county seminaries; which was read and referred to a select committee.

Ordered, That Messrs. Beckes, Wilson and Marshall be that committee.

Mr. Morgan presented a petition of Ashbel Stone and others, of Shelby county, praying that Blue river may be declared a public highway, from Bayless' mill, to the north boundary of Shelby county; which was read and referred to a select committee.

Ordered, That Messrs. Morgan, Martin and Levenworth be that committee.

Mr. Hanna presented a petition of Joseph Moffatt and others, of Randolph county, praying certain relief; which was read and referred to a select committee.

Ordered, That Messrs. Hanna, Boon and Sargeant be that committee.

Mr. Lewis of F. from the standing committee on claims, submitted the following report:

Mr. Speaker,

The committee on claims, to whom was referred the account of Lismond Basye, for building a back building on the public square, in the town of Indianapolis, have had the same under consideration, and instructed me to report, that the sum of one hundred and twenty-eight dollars and fifteen cents, should be allowed. Your committee would therefore suggest the propriety of an allowance for that amount, in the specific appropriations.

Which report,

On motion of Mr. Bullock,

Was ordered to lie on the table.

Mr. Johnston of K. presented the following resolution for the consideration of the House, to wit:

Resolved, That the committee on canals and internal improvements be, and they are hereby requested to inquire into, and report (by bill or otherwise) upon the practicability and propriety of removing the natural obstructions in the river Wabash, from its mouth to Terre-Haute, and should the same be considered of general benefit, in what manner and when the same should be attempted and carried into effect.

Mr. Hays moved to amend said resolution, by striking out the word "Terre-Haute," and inserting the words "the mouth of Tippecanoe;" which was carried in the affirmative.

Said resolution as amended, was then adopted by the House.

On motion of Mr. Sweetser,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of employing some person to arrange, and report to the next legislature, on the third day of their next session, a list of the statutes of Great Britain in force in this state, with their titles;

and also, a synopsis of the enactments of each statute, for the purpose of publishing the same with the laws of the next session.

On motion of Mr. Test,

The House took up the joint resolution, giving to certain citizens of Rush county, a credit in the payment of taxes in certain cases, and the report of the committee of ways and means upon that subject.

Mr. Stevens then moved the adoption of the following resolution, to wit:

Resolved, That the joint resolution and the report of the committee of ways and means, under consideration be, and the same is hereby re-committed to the committee of ways and means, with instructions to report a bill repealing the sixth section of an act, entitled "an act to amend an act for assessing and collecting the revenue, approved February 12, 1825;" and also, give relief for any taxes improperly collected and paid over, under that section if any has been so paid, if relief can be practically applied.

Mr. Ferris moved to amend said resolution, so as to refer it to a select committee.

And debate arising thereon, the previous question was called for by Mr. Beckes, and being demanded by three members, the same was then put in the manner prescribed by the rules and orders of the House, to wit:

Shall the main question be now put? And it passed in the affirmative.

The main question was then put, Shall the report of the committee of ways and means, on the subject of said joint resolution, be concurred in by the House?

[The report of the said committee, was unfavorable to the adoption of said joint resolution, and recommended that the House reject the same. &c.]

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Bullock, Burnett, Clendenin, Craig, Daniel, Hillis, Hoover, Hurst, Johnson of P., Johnston of K., Ketcham, Levenworth, Lewis of F.,

Lomax, Marshall, Read, Richardson, Spann, Wilson and Work—22.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Chamberlin, Claypool, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Howk, Jackson of D., Jackson of V., Lemon, Little, Long, Lewis of W., M'Kinney Martin, Matlock, Morgan, Morris, Piercy, Ray, Restine, Roberts, Sargeant, Slaughter, Stevens, Sweetser, Test, Wallace, Watts and Moore, Sp'r.—36.

So said report was not concurred in by the House.

Mr. Stevens then withdrew his resolution. And

On motion of Mr. Sweetser,

Said bill was committed to a committee of the whole House on Monday next.

Mr. Lewis of W. from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bill, entitled "an act to amend an act organizing circuit courts, and defining their powers and duties, approved January 30, 1824;" and also, to amend an act, entitled "an act concerning prosecuting attorneys, approved January 20, 1826;" also, a memorial of the General Assembly of the state of Indiana, on the subject of reducing the minimum price of public lands, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

Mr. Wilson, after having obtained leave, presented a bill authorizing Alexander Divin, Robert Milburn and Samuel Hall to convey a certain lot, in the town of Princeton; which was read the first time, and passed to a second reading to-morrow.

Mr. Beckes, after having obtained leave, presented a bill for the relief of master builders and mechanics, in the state of Indiana; which was read the first time, and passed to a second reading to-morrow.

Mr. Wilson, after having obtained leave, presented a bill to vacate a part of Evans' enlargement of the town

of Princeton; which was read the first time, and passed to a second reading to-morrow.

Mr. Ally, after having obtained leave, presented a bill for the better establishing the mode of taking up estrays; which was read the first time, and passed to a second reading to-morrow.

Mr. Hawk, after having obtained leave presented a bill in aid of the corporation of the president and trustees of the town of Jeffersonville; which was read the first time, and passed to a second reading to-morrow.

The House proceeded to consider the orders of the day.

The bill for the formation of a new county, out of the county of Delaware, and the bill to authorize Franklin F. Sawyer, to sell and convey certain real estate, were read a second time, and committed to a committee of the whole House on Monday next.

The bill in addition to an act, entitled "an act regulating the fees of the several officers therein named," was read a second time, and committed to the same committee of the whole House, to which was committed a bill on the same subject.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The bill to authorize sheriffs to solemnize marriages, was read a second time:

Whereupon,

Mr. Lemon moved to postpone the further consideration of said bill indefinitely.

Mr. Claypool then moved to lay said bill on the table; which was decided in the negative.

Mr. Lemon's motion to postpone indefinitely, was also decided in the negative.

The bill was then committed to a committee of the whole House on to-morrow.

The engrossed bill from the Senate, for the relief of the securities of N. W. Marks, late sheriff of Rush county, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The House resolved itself into a committee of the whole, on the bill supplemental to an act to provide for the election of county and township officers, approved January 31, 1824: after some time spent therein—the Speaker resumed the Chair, and Mr. Ferris reported said bill with one amendment; which was by striking it out from its enacting clause, in which he asked the concurrence of this House. And

On motion of Mr. Hillis,

The same were ordered to lie on the table.

The House resolved itself into a committee of the whole, on the bill legalizing the proceedings of William W. Kennedy, late recorder of Vermillion county: and after some time spent therein—the Speaker resumed the Chair, and Mr. Johnson of P. reported said bill without amendment.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill to amend the act regulating the mode of summoning and empannelling grand and petit jurors, approved January 31, 1824: after some time spent therein—the Speaker resumed the Chair, and Mr. Clendenin reported said bill with several amendments; which were read and concurred in by the House generally.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill appointing commissioners to re-locate the seat of justice of Crawford county: and after some time spent therein—the Speaker resumed the Chair, and Mr. Wilson reported progress, and asked leave to sit again; which leave was given by the House.

A message from the Senate by Mr. Farnham, their Assistant secretary:

Mr. Speaker,

The Senate have passed an engrossed bill of the House of Representatives, entitled “an act making an appropriation to pay the debt due from this state, to the United States, and for other purposes,” with amend-

amendments; which are by striking out the third section of the bill, and the last four words of the title; in which amendments the concurrence of the House of Representatives is requested.

I am instructed to inform this House, that the Senate have adopted the following resolution, viz:

Resolved, That the committee on canals and internal improvements, and all other committees on the part of the Senate, that are acting jointly by order of both Houses, be discharged from further attendance in joint meeting, and that the House of Representatives be informed thereof. And,

On motion,

The House concurred in the amendments made by the Senate to said bill.

Ordered, That the Clerk inform the Senate thereof.

Mr. Morgan asked and obtained leave of absence, until Monday morning next.

The Speaker laid before the House, the following communication from William W. Wick, secretary of state.

SECRETARY'S OFFICE, Dec. 21, 1826.

The Hon. the Speaker of the H. R.

SIR—Herewith is transmitted, for inspection of the House of Representatives, one of the original duplicates of the constitution of this state, and of the ordinance adopted by the people thereof, in convention, handsomely bound in morocco and gilt.

The time will come when these documents, and particularly the hand writing of the fathers of our state, whose signatures are thereto annexed, will be sought after with avidity, and seen with delight as well by the future antiquarian, as by a grateful posterity. Viewing the subject in this light, I have, as a small tribute of respect for, and gratitude towards the people and government of my adopted state, used this means of preserving from injury and decay, the original evidences of the independence of our state, and they are respectfully presented to the view of each branch of the Legislature, under the impression that their preservation is interesting to all the representatives of the people, and especial-

ly to those who are members of the body who originated them.

I have the honor to be, respectfully, &c. &c.

WM. W. WICK.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 23, 1826.

The House met pursuant to adjournment.

Mr. Ferris, from the committee of ways and means, reported as follows:

Mr. Speaker,

The committee of ways and means to whom were referred sundry resolutions upon the subject of the revenue, have had the same under consideration, and as the result of their deliberation, have directed me to report a bill including all the changes and amendments, they think would be proper to make to the revenue laws, this session, to wit: a bill to amend the several acts now in force, for assessing and collecting the revenue; which was read a first time, and passed to a second reading on Monday next.

Mr. Lewis of W. from the joint committee for enrolled bills, submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills, have compared the enrolled with the engrossed bill, entitled "an act making an appropriation to pay the debt due from this state, to the United States, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

Mr. Hillis, from the committee on the affairs of the town of Indianapolis, submitted the following report:

Mr. Speaker,

The committee on the affairs of the town of Indianapolis, to whom was referred the petition of Robert Harding, have had the same under consideration, and have directed me to report that the prayer of the petitioner ought not to be granted.

Which report was concurred in by the House.

Mr. Morgan, from the select committee, to which was referred the petition of Ashbel Stone and others, reported a bill supplemental to the several acts declaring Blue river a public highway; which was read the first time, and passed to a second reading on Monday next.

Mr. Hoover, from the select committee, to which was referred a resolution of this House upon that subject, reported as follows:

Mr. Speaker,

The select committee appointed to ascertain the number of copies of the laws and documents of Congress, now in the office of the secretary of state, and report the proper manner of distributing the same, beg leave to report—that the number of the documents of Congress in the said office, is in their opinion, too limited to admit of distribution, and that by the provision of the “act to establish a state library,” they are already by law made a part of said institution: That it is impossible at this time, or during the present session of the General Assembly, to ascertain the number of copies of the laws of Congress, owing to their having been mingled in one common mass in removing the state property from Corydon to this place, and to their inconvenient situation on the high shelves in the secretary’s office. They presume from information obtained from the secretary of state, that there are in the office, acts of Congress passed at the several sessions, in unequal and broken numbers, from and including the 2d session of the 15th Congress, to and including the 2d session of the 18th Congress. They recommend the passage of a joint resolution herewith submitted, to wit:

“*A Joint Resolution on the subject of the laws of the United States in the office of the secretary of state;*”

which being read, was with said report, ordered to lie on the table by consent.

Mr. Ferris, after having obtained leave, presented a bill to change the time of the meeting of the General Assembly; which was read the first time, and passed to a second reading on Monday next.

The House proceeded to consider the orders of the day.

The bill authorizing Alexander Divin, Robert Milburn and Samuel Hall, to convey a certain lot therein named, was read a second time, and ordered to be engrossed and read a third time on Monday next.

The bill for the relief of master builders and mechanics in the state of Indiana, and the bill to vacate a part of Evans' enlargement of the town of Princeton, were severally read a second time, and committed to a committee of the whole House on Monday next.

The bill in aid of the corporation of the president and trustees of the town of Jeffersonville, was read a second time, and committed to a committee of the whole House on Tuesday next.

The bill for the better establishing the mode of taking up estrays, was read a second time, and committed to a committee of the whole House on Monday next.

A message from the Senate, by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have adopted the following joint resolutions, which originated in this House, to wit:

"A joint resolution relative to the lands appropriated for the use of salt springs," and "A joint resolution on the subject of certain public lands in the vicinity of Indianapolis," without amendment.

The House again resolved itself into committee of the whole on the bill appointing commissioners to re-locate the county seat of Crawford county: And after some time spent therein—the Speaker resumed the chair, and Mr. Wilson reported the same with two amendments; which were read, and concurred in by the House.

Mr. Lemon moved to lay said bill on the table; which was decided in the negative.

Mr. Clendenin moved to postpone the farther consideration of said bill indefinitely.

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Clendenin, Craig, Daniel, Dickson, Elliott, Fitzgerald, Gray, Hoover, Hurst, Jackson of D., Johnson of P., Lewis of W., Lomax, Test, Wilson and Moore, Sp'r.—16.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Ferris, Hanna, Hillis, Hawk, Jackson of V., Johnston of K. Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Marshall, Martin, Matlock, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Watts and Work—40.

So said bill was not indefinitely postponed.

Ordered, That said bill be engrossed and read a third time on Monday next.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, DECEMBER 25, 1826.

The House met pursuant to adjournment.

Mr. Ray presented a petition of Richard Winchell and others, citizens of Fayette and Decatur counties, praying the location of a state road, beginning at the court house in Decatur county, thence to the town of Danville in Fayette county, thence to the Sand creek road, where the range line dividing ranges eleven and twelve cross said road; thence with said Sand creek road, to the court house in Fayette county; which was read and referred to a select committee.

Ordered, That Messrs. Ray, Roberts, Ally and Chamberlin be that committee.

Mr. Morris presented a petition of William W. Wick, praying remuneration for a certain amount of treasury notes lost by him, in the year ; which was referred to a select committee.

Ordered, That Messrs. Morris, Bassett and Wilson be that committee.

Mr. Craig presented a petition of William Chamberlin and others, citizens of Ripley and Franklin counties, praying a review of a part of the state road leading from Versailles to Brookville; also, a remonstrance of Samuel Gookins and others, against the same; which were read and referred to the standing committee on roads.

Mr. Bullock, from the joint committee for enrolled bills, submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills, did on Saturday the 23d instant, present to his Excellency the Governor, for his approval and signature, an act entitled "an act organizing circuit courts, and defining their powers and duties, approved January 30, 1824;" and also, to amend an act concerning prosecuting attorneys, approved January 20, 1826.

Mr. Elliott presented a petition of Thomas Reagan and others, of Wayne county, praying the interference of this Legislature, to get the national road run through the town of Milton in said county; which was referred to a select committee.

Ordered, That Messrs. Elliott, Lomax and Richardson be that committee.

Mr. Lewis of W. from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed joint resolutions, to wit:

A joint resolution relative to the lands appropriated for the use of salt springs.—Also,

A joint resolution on the subject of certain public lands in the vicinity of Indianapolis, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

Mr. Bullock presented an account of Thomas Hoagland, for fuel furnished the supreme court; which was referred to the standing committee on claims.

Mr. Hoover presented a petition of Eleazer Hyatt and others, of Wayne county, praying a law to encourage the raising of sheep; which was referred to a select committee.

Ordered, That Messrs. Hoover, Craig and Morris be that committee.

Mr. Burnett, from the committee on military affairs, submitted the following report, viz:

Mr. Speaker,

The military committee to whom was referred the petition of J. Moffitt and others, of Fayette county, praying an alteration in the militia law, have directed me to report that they deem said alteration inexpedient at this time. And,

On motion of Mr. Ray,

Said report was ordered to lie on the table.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives, of the following titles, viz: an act authorizing Samuel S. Graham to convey certain lots in the town of Paris, Jennings county; and an act for the relief of persons owning lots in Springfield, the late seat of justice of Posey county—the first without amendment, the latter with an amendment; in which amendment, the concurrence of the House is requested.

They have passed the following engrossed bills entitled acts, viz: an act extending the jurisdiction of justices of the peace in civil actions, and prescribing certain duties required of them; and an act for the relief of Ansel Richmond, recorder of Madison county, and clerk of the Madison circuit court.

They have also passed certain "joint resolutions of the General Assembly of the state of Indiana, relative to purchasers of public lands," accompanied with a re-

port prefixed to said resolutions ; in which acts and joint resolutions, they request the concurrence of the House of Representatives.

The House concurred in the amendment proposed by the Senate, to the bill for the relief of persons owning lots in Springfield, the late seat of justice of Posey county.

Ordered, That the Clerk inform the Senate thereof.

The two bills from the Senate, and the joint resolution, were read the first time and passed to a second reading to-morrow.

Mr. Claypool, from the committee on the affairs of the state prison, submitted the following report, to wit:

Mr. Speaker,

The standing committee on the affairs of the state prison, report that they have agreeable to a resolution of this House, examined the papers in the office of the secretary of state, and find from such examination, that there were forty-five convicts in said state prison on the first day of November last, thirty one of whom were consigned to that prison for larceny, and from the best information your committee have been able to collect, a great proportion of them have been sent to said prison, for stealing articles of little value; your committee are therefore, decidedly of opinion, that it would conduce to the public good, as well as be more congenial to the spirit of the constitution, to adopt a different mode of punishment for petit larceny, and in pursuance of said opinion, herewith report a bill defining petit larceny, and the punishment thereof, and for other purposes ; which bill was read the first time, and passed to a second reading to-morrow.

Mr. Wallace, from the committee on roads, submitted the following report, to wit:

Mr. Speaker,

The committee on roads to whom was referred sundry resolutions of this House, requiring them to inquire into the expediency of reducing the number of commissioners on state roads in this state ; and also, to reduce their pay, have had the same under consideration, and have directed me to report, that in their opinion, it is in-

expedient at this time, to legislate on either of the above subjects, they therefore ask to be discharged from the further consideration of the above named resolutions.

And,

On motion of Mr. Craig,

Said report was ordered to lie on the table.

Mr. Craig moved that this House adjourn until to-morrow morning nine o'clock; which was decided in the negative.

Mr. Beckes, from the select committee to whom was referred a petition of J. C. S. Harrison and others, of Vincennes, reported a bill respecting the Knox county seminary; which was read the first time, and passed to a second reading to-morrow.

Mr. Hawk then moved that this House adjourn until to-morrow morning nine o'clock.

And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Craig, Daniel, Ferris, Fitzgerald, Gray, Hays, Hillis, Hawk, Hurst, Jackson of D., Lemon, Lewis of F., Lewis of W., Marshall, Morris, Richardson, Slaughter, Spann, Sweetser, Watts, Wilson, Work and Moore, Sp'r.—23.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Dickson, Elliott, Hanna, Hoover, Jackson of V., Johnson of P., Ketcham, Little, Long, Lomax, M'Kinney, Martin, Morgan, Piercy, Ray, Read, Restine, Roberts, Sergeant, Stevens, Test and Wallace—31.

And so said motion was decided in the negative.

Mr. Bullock moved to take up the resolution offered by him some days since, directing the committee of ways and means to inquire into the expediency of repealing the poll tax; which was carried in the affirmative.

Mr. Craig moved to postpone the further consideration thereof indefinitely.

Mr. Beckes then moved to lay the same on the table.
And,

On motion of Mr. Hillis,

The House adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, DECEMBER 26, 1826.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Hon. William Hendricks, enclosing proposals of Jonathan Elliott of Washington City, for publishing by subscription, "Debates on the adoption of the Federal Constitution;" which were referred to the same select committee to which was referred the communication of Messrs. Way and Gideon.

Mr. Bullock, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills entitled, "An act authorizing Samuel S. Graham to convey certain lots in the town of Paris, Jennings county;" and also, "An act for the relief of persons owning lots in Springfield, the late seat of justice of Posey county;" and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Sweetser presented a petition of the board of justices and others of Bartholomew county, praying a repeal of the law authorizing the location of a road from Stipp's hill to Bloomington; which was referred to a select committee.

Ordered, That Messrs. Sweetser, Burnett and Slaughter be that committee.

Mr. Morgan presented a petition of sundry citizens of Johnson and Morgan counties, praying part of the county of Morgan may be attached to the county of Johnson,

and a part of the county of Johnson to the county of Morgan; which was referred to a select committee.

Ordered, That Messrs. Morgan, Work, Johnson of P. and Matlock be that committee.

Mr. Matlock presented a petition of John Claypool and others of Hendricks county, and of Samuel Nelson and others of Montgomery county, praying the location of a state road from Indianapolis to Danville, and thence to Crawfordsville; which was referred to the committee on roads.

Mr. Ferris, from the committee of ways and means, to which was re-committed their report relative to the contingent fund, submitted the following report, to wit:

Mr. Speaker,

The committee of ways and means, to which was re-committed their former report of the disbursements of the contingent fund, with instructions to procure copies of the account on which orders on that fund were drawn, together with their opinion on that subject, have had the same under consideration, and directed me to report—that they have no reason to believe that any order has been drawn on that fund in favor of any person who has not rendered services to the state; but they do believe that part of the services that have been compensated out of that fund, ought to be provided for by enactment of the legislature, and that the executive ought to be relieved from the responsibility, both to the individual and state, of making any allowance, except in such cases of contingency that could not be foreseen by the legislature, and consequently not provided for by law. The committee nevertheless believe, as when they made their former report, that some of the charges on which allowances have been made are extravagant, but of this the House can better decide for themselves, and for their information, they submit as a part of their report, the following documents:

Said report and documents being read;

On motion of Mr. Sweetser,

The same were ordered to lie on the table.

Mr. Burnett, from the committee on military affairs, submitted the following report, to wit:

Mr. Speaker,

The military committee, to whom was referred the petition of John M'Reynolds and others, have directed me to report, that the prayer of the petitioners ought not to be granted, and the petition of James Movity and others, and deemed inexpedient.

Which was concurred in by the House.

Mr. Wallace, from the committee on roads, submitted the following report, to wit :

Mr. Speaker,

The committee on roads, to whom was referred the petition of William Chamberlin and others, citizens of Franklin and Ripley counties, praying the vacation of a road leading from Brookville to Versailles, and the review of another in lieu thereof; and also the remonstrance of Samuel Gookins and others, against said petition, have had the same under consideration, and have directed me to report, that in their opinion, the prayer of the petitioners ought not to be granted; and they ask to be discharged from the further consideration thereof.

Which report was concurred in by the House; and,

On motion of Mr. Craig,

Leave is given to withdraw said petition and remonstrance.

Mr. Hays, from the committee on canals and internal improvement, to which was referred a resolution of this House on that subject, reported a bill to repeal all acts heretofore in force appropriating part of the three per cent. fund; which was read the first time, and passed to a second reading to-morrow.

Mr. Bullock, from the select committee, to which was referred a petition of Henry L. Loper and others, of Jennings county on that subject, reported a bill to improve the navigation of Sand creek; which was read the first time, and passed to a second reading to-morrow.

Mr. Dickson, from the select committee, to which was referred a petition of Augustine Passmore and others of Greene county on that subject, reported a bill to authorize the president and trustees of the Greene county library to appropriate certain moneys; which was read the first time and passed to a second reading to-morrow.

Mr. Long, after having obtained leave, presented a bill to establish the eastern boundary of Henry county ; which was read the first time,

Whereupon,

Mr. Elliott moved to reject the same, which was decided in the negative.

Mr. Lemon, from the select committee to which was referred a resolution of this House on that subject, submitted the following report, to wit :

Mr. Speaker,

The select committee to whom was referred the examination of the building, erected by Asahel Dunning, upon the lands belonging to the state, under an act passed at the last session of the General Assembly, report: That they have performed that duty and find, that the said Dunning, has, in the opinion of your committee, not only completed his contract, but has made improvements over and above the said building, which is far superior to what your committee supposed could be done for the sum of four hundred and one dollars and twenty-five cents, the sum agreed upon, to the value of fifty dollars, which are calculated to enhance the value of the public property, and cause it to rent for much more than it possibly could without them. They therefore, recommend an appropriation of \$50 for said Dunning, and that the committee of ways and means, be directed to provide therefor in the specific appropriation bill.

And the question being put, Will the House concur in said report?

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Craig, Daniel, Ferris, Fitzgerald, Hillis, Hoover, Howk, Hurst, Jackson of D., Lemon, Levenworth, Morris, Restine, Richardson, Slaughter, Sweetser, Test, Wilson and Moore, Sp'r.
—21.

And those who voted in the negative are,

Messrs. Ally, Boon, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Dickson, Elliott, Hanna, Hays,

Jackson of V., Johnson of P., Johnston of K., Ketcham, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Piercy, Ray, Read, Roberts, Sargeant, Spann, Stevens, Wallace, Watts and Work—35.

And so said report was not concurred in by the House.

Mr. Ally presented the following resolution, for the consideration of the House, to wit:

Resolved, That this House instruct the committee on the judiciary, to inquire into the expediency of passing a law to compel judges of the supreme court, judges of the circuit courts, prosecuting attorneys, practitioners and counsellors at law, boards of justices, justices of the peace, sheriffs, coroners and constables to pay all costs which may accrue against any individual or individuals, by reason of their misconduct, or on account of the non-attention to the discharge of their duties, with leave to report by bill or otherwise.

Mr. Read moved to amend said resolution, by inserting the following words, before the word constable, to wit: "members of the legislature."

Mr. Claypool then moved to lay said resolution and proposed amendment on the table; which was decided in the negative.

Mr. Sweetser moved to postpone the further consideration of said resolution and proposed amendment, indefinitely.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Burnett, Claypool, Clendenin, Daniel, Elliott, Hoover, Howk, Johnson of P., Johnston of K., Ketcham, Lemon, Little, Lewis of W., Lomax, Marshall, Martin, Matlock, Morris, Piercy, Ray, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Sweetser, Wallce, Watts, Wilson and Work—35.

And those who voted in the negative are,

Messrs. Ally, Bullock, Chamberlin, Craig, Dickson.

Ferris, Fitzgerald, Hanna, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Levenworth, Long, Lewis of F., M'Kinney Morgan, Read, Stevens, Test, and Moore, Sp'r.—22.

So said resolution and proposed amendment, were indefinitely postponed.

The engrossed bill to amend the act regulating the mode of summoning and empannelling grand and petit jurors, was read a third time, and amended by consent, by striking out the word February, in the second section, and passed as amended.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, for the signature of their President.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The bill to amend the several acts now in force, relative to assessing and collecting the revenue, was read a second time, and committed to the same committee of the whole House, to which was committed a bill of this House of the same title.

A message from the Senate by Mr. Farnham, their Assistant secretary:

Mr. Speaker,

The Senate have adopted a joint resolution, on the subject of school lands in the state of Indiana; in which the concurrence of the House of Representatives is requested.

Said joint resolution was read the first time, and passed to a second reading to-morrow.

The bill supplemental to the several acts declaring Blue river a public highway, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill to alter the time of the meeting of the General Assembly, was read a second time: when,

Mr. Elliott moved to amend said bill, by striking out the word "second Monday in January," and insert in lieu thereof, the "first Monday in January."

A division of the question was called for, the motion to strike out was decided in the negative.

Mr. Lewis of W. moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Craig, Fitzgerald, Hanna, Hoover, Hawk, Ketcham, Lemon, Little, Lewis of F., Lewis of W., Martin, Morgan, Piercy, Read, Sargeant, Slaughter, Watts, Wilson and Work—19.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Daniel, Dickson, Elliott, Ferris, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Levenworth, Long, Lomax, M'Kinney, Marshall, Matlock, Morris, Ray, Restine, Roberts, Spann, Stevens, Wallace and Moore, Sp'r.—34.

So said bill was not indefinitely postponed.

Said bill was then committed to the same committee of the whole House, to which was committed the bill on the subject of the revenue.

The engrossed bill from the Senate, entitled an act extending the jurisdiction of justices of the peace in civil actions, and prescribing certain duties to be performed by them, was read a second time and committed to the same committee of the whole House, to which was committed a bill of this House, on the same subject.

On motion of Mr. Read,

Leave is given to withdraw the petition and documents of Julius Johnson and others.

On motion of Mr. Ray,

Leave is given to withdraw the petition of Elizabeth Ayres.

The engrossed bill from the Senate, entitled an act for the relief of Ansel Richmond, clerk and recorder of Madison county, was read a second time, and ordered to be read a third time to-morrow.

The joint resolution from the Senate, relative to purchasers of public lands, was read a second time, and ordered to be read a third time to-morrow.

The bill defining petit larceny and the punishment thereof, and for other purposes, was read a second time and committed to the same committee of the whole House, to which was committed the bill of this House, amending the law relative to crime and punishment.

The engrossed bill to incorporate the county seminary of Harrison county; and the engrossed bill to authorize Alexander Divin, Robert Milburn and Samuel Hall to convey a lot therein named, were read a third time and passed.

Ordered, That the same be entitled "acts," and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill to legalize certain official acts of William W. Kennedy, late recorder of Vermillion county, was read a third time, and the question being put, Shall said bill pass?

And the ayes and noes being required by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Little, Long, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—50.

And those who voted in the negative are,

Messrs. Beckes, Craig, Hawk, Johnston of K., Lemon and Lewis of W.—6.

And so said bill passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill appointing commissioners to relocate the seat of justice of Crawford county, was read a third time, and on the question being put, Shall said bill pass?

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Burnett, Chamberlin, Claypool, Ferris, Howk, Johnston of K., Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Restine, Richardson, Roberts, Sargeant, Spann, Stevens, Wallace, Watts and Work—33.

And those who voted in the negative are,

Messrs. Bullock, Clendenin, Craig, Daniel, Dickson, Elliott, Fitzgerald, Hanna, Hays, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lewis of W., Lomax, Read, Wilson and Moore, Sp'r.—20.

And so said bill passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the joint resolution relative to fugitives from labor, and for other purposes: and after some time spent therein—the Speaker resumed the Chair, and Mr. Johnston of K. reported progress, and asked leave to sit again; which leave was given by the House.

The House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, DECEMBER 27, 1826.

The House met pursuant to adjournment.

Mr. Johnston of K. by consent of the House, submit-

ted the following preamble and resolutions for its consideration, to wit:

WHEREAS, from time immemorial, civilized society in every quarter of the globe, has been accustomed to render a public tribute of respect and veneration to greatness combined with goodness: In which grade of elevated beings is very justly classed the Free Masons patron, and the Christians saint, whose *memory*, supereminently claims a fete in the annals of the wise and the good—the *celebration* of which, in the year of our Lord 1826, it is confidently believed by the House of Representatives, of Indiana, will be viewed with approbation, and not censured by the good and enlightened citizens of our state: Therefore,

Resolved, That this House do now adjourn until tomorrow morning, for the purpose of giving time and place to the Masonic celebration of St. John the Divine.

Ordered, That the Senate be informed thereof, and their concurrence requested. When,

Mr. Craig moved to strike out the preamble to said resolution. And then,

Mr. Hillis moved to lay said resolution and preamble on the table; which was carried in the affirmative.

Mr. Ferris presented a memorial of Isaac Dunn and others, citizens of Dearborn county, against the re-location of the seat of justice of said county; which was referred to the same committee to which was referred a petition on that subject.

Mr. Morris moved that this House adjourn until tomorrow morning nine o'clock.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes. Brown, Bullock, Chamberlin, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Johnston of K., Long, Lewis, of F., M'Kinney, Marshall, Morgan, Morris, Ray, Richardson, Slaughter, Spann, Stevens, Sweetser, Test, Watts, Wilson and Moore, Sp'r.—35.

And those who voted in the negative are,

Messrs. Ally, Boon, Burnett, Claypool, Dickson, Elliott, Ferris, Jackson of D. Ketcham, Little, Lewis of W., Lomax, Martin, Matlock, Piercy, Read, Restine, Roberts, Sargeant, Wallace and Work. —21

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 23, 1826.

The House met pursuant to adjournment.

Mr. Bassett presented a petition of Jabes Percival of Dearborn county, praying certain relief; which was referred to the judiciary committee.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed an engrossed bill of the House of Representatives entitled An act to amend the act regulating the mode of summoning and empannelling grand and petit jurors, approved, January 31, 1824; with sundry amendments to the same, in which the concurrence of the House of Representatives is requested.

The House agreed to the first and second amendments proposed by the Senate to said bill.

Mr. Sweetser moved to amend the third amendment proposed by the Senate to said bill, by the addition of the words following at the end thereof, to wit: ' And an answer in the affirmative shall be good cause of challenge : ' which was carried in the affirmative.

And on the question to agree to the proposed amendment of the Senate to said bill, as amended by this House; it was decided in the negative.

And the House agreed to the fourth amendment proposed by the Senate to said bill.

Ordered, That the Clerk inform the Senate thereof. Mr. Bullock, from the joint committee on enrolled

bills reported : That they did on this day present to His Excellency the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit :

An act making an appropriation to pay the debt due from this state to the United States.

An act authorizing Samuel S. Graham to convey certain lots in the town of Paris Jennings county.

A joint resolution on the subject of certain public lands in the vicinity of Indianapolis.

A joint resolution relative to the lands appropriated for the use of salt springs.

A memorial of the General Assembly of Indiana, on the subject of reducing the minimum price of public lands. And also,

An act for the relief of persons owning lots in Springfield, late seat of justice of Posey county.

And he reported further, that they have compared the enrolled with the engrossed bill, entitled An act for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of Rush county ; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Burnett, from the standing committee on military affairs, submitted the following report, to wit :

Mr. Speaker,

The military committee to whom was referred a resolution of this House, giving the collection of fines exclusively to companies—2d A resolution making an allowance to Major Generals, for postage on letters, &c.—3d A bill to continue entire volunteer companies after the division of regiments—4th A bill authorising the Governor to establish new brigades, have had the same under consideration, and direct me to report : That they deem it inexpedient to make the proposed alterations at this time ; which report was concurred in by the House.

Mr. Burnett, from the same committee, submitted the following report, to wit :

Mr. Speaker,

The military committee to whom was referred, the communication of the Governor relative to questions from the secretary at war, decline acting on that subject until the result of the proceedings of the board of officers at Washington is known. And,

On motion of Mr. Hillis,

Said report was ordered to lie on the table.

Mr. Lewis of F., from the committee on claims, submitted the following report, to wit:

Mr. Speaker,

The committee of claims to whom was referred the communication of Samuel Merrill, treasurer, on the subject of the amount due the contractor for building the court house at Indianapolis; and also, for furnishing desks, seats &c., have had the same under consideration, and have instructed me to report, that in the opinion of the committee, it is not their province or duty to act on said claim, that the law of 1826, makes it the duty of the treasurer of state, to pay over to the contractor, the amount appropriated, on his being satisfied that the said contractor has completed the work, agreeable to contract.

Which report was concurred in by the House.

Mr. Wallace, from the committee on roads, to which was referred a petition of John Hubbard and others, reported a bill to provide for surveying, locating and opening a certain state road; which was read the first time and passed to a second reading to-morrow.

Mr. Hays, from the committee on canals and internal improvements, presented the following report and bill, to wit:

Mr. Speaker,

The committee on canals and internal improvements beg leave to report: That they have with intense anxiety, examined the subject of internal improvement, as a subject which is closely blended with the future interest and welfare of our constituents, keeping steadily a watchful eye upon the resources of the state, they can see a channel through which immense wealth will flow to the coffers of the state, and incalculable commercial

facilities may be readily afforded our constituents—at an early period of your committee's consultations; the valley of the Wabash attracted their attention, they delayed acting definitely upon the subject, hoping in the mean time, to receive some communications from the United States' Engineers engaged the last summer in a survey, on which to base with more certainty, their calculations; but finding the session wearing apace, without receiving any communications on the subject, they thought proper to report favorable on the same, from their own knowledge and such information as they could derive from the most respectable sources. Your committee from the best information they can derive, believe that a water communication may be opened from the Miami of the Lake, to the navigable parts of the Wabash, by means of a canal, that will at once open a channel of internal communication by water, from New-York to New-Orleans, at an expense less than at any other point to them known in America, at a trifling expense, by no means commensurate with the incalculable magnitude of the object in view. Your committee therefore recommend the passage of the accompanying bill, to wit: A bill to provide for the survey and location of a canal, from Fort Wayne to some point on the Wabash river, north of the mouth of the Tippecanoe river; which was read the first time, and passed to a second reading to-morrow.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have receded from the third amendment proposed by them, to the engrossed bill of the House of Representatives, entitled an act regulating the mode of summoning and empannelling grand and petit jurors, approved January 31, 1824, to which amendment the House of Representatives have disagreed.

Mr. Morgan, from the select committee to which was referred a petition of sundry citizens of Johnson and Morgan counties, on that subject reported a bill to authorize the exchange of a part of the territory of John-

son and Morgan counties; which was read the first time, and passed to a second reading to-morrow.

Mr. Sweetser, from the select committee to which was referred a petition of the county board of justices, and others of Bartholomew county, reported a bill to repeal part of an act entitled, an act to establish certain state roads therein named; which was read the first time, and passed to a second reading to-morrow.

Mr. Restine submitted the following report for the consideration of the House, to wit:

Mr. Speaker,

The select committee to whom was referred a petition of Enoch Farmer and others, praying the formation of a new county out of the county of Wabash, on the west side of the Wabash river, have had the same under consideration, and a majority of them have directed me to report, that it is inexpedient to grant the prayer of the petitioners. And

On motion of Mr. Restine,

Said report was ordered to lie on the table.

Mr. Read presented the following resolution for the consideration of the House, to wit:

Resolved, That the judiciary committee be instructed to report a bill repealing the act authorizing petit jurors to receive pay out of the county treasury.

Mr. Johnston of K. moved to amend said resolution, so as to direct said committee to inquire into the expediency, &c.; which was carried in the affirmative.

Mr. Gray then moved to lay said resolution as amended, on the table; which was decided in the negative.

Said resolution as amended was then adopted by the House.

Mr. Hays presented the following resolution for the consideration of the House, to wit:

Resolved, That a select committee of five be appointed, to inquire into the expediency of incorporating one agriculture and manufacturing society, within each judicial district, or each county within this state, and to report whether in their opinion, the establishment of the same would be beneficial to the agricultural and manu-

factoring classes of society or not, with leave to report by bill or otherwise.

Mr. Stevens moved to amend the same, so as to refer the same, to the same select committee, to which was referred the petition of Eleazer Hyatt and others; which was decided in the negative.

Mr. Lewis of W. moved to amend the same, so as to direct said committee to report a bill on that subject; which was decided in the negative.

Mr. Piercy moved to lay the same on the table; which was also decided in the negative.

Said resolution was then adopted by the House.

Whereupon,

The Speaker appointed Messrs. Hays, M'Kinney, Craig, Hawk and Ray a committee in pursuance of said resolution.

Mr. Clendenin moved to re-consider the vote on rejecting the report of the select committee of this House, on Tuesday last, relative to the contract of Asahel Dunning with the agent of the state, for the town of Indianapolis; which was carried in the affirmative.

On motion of Mr. Stevens,

Said report was ordered to lie on the table. And,

On motion of Mr. Morris,

Resolved, That the agent of the state be requested to lay before this House, a statement of the contract made between Asahel Dunning, for the building of a brick house at the ferry near Indianapolis, in pursuance of a law passed in 1826, and that he state his opinion respecting the value of said improvements, and whether said Dunning has complied with his contract or not.

Mr. Ray, after having obtained leave presented a joint resolution approving the exercise of power in Congress, to make internal improvements; which was read the first time, and passed to a second reading to-morrow.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hurst moved to re-consider the vote of this House, on concurring in the articles of impeachment re-

ported against Thomas H. Roberts, a justice of the peace of Floyd county; which was decided in the negative.

The House proceeded to consider the orders of the day.

The joint resolution from the Senate, on the subject of school lands in the state of Indiana, was read a second time:

Whereupon,

Mr. Beckes moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Brown, Burnett, Daniel, Dickson, Ferris, Gray, Hillis, Hurst, Jackson of D., Johnston of K., Lemon, Lewis of F., M'Kinney, Marshall, Piercy, Ray, Restine, Roberts and Sweetser—
21.

And those who voted in the negative are,

Messrs. Ally, Bassett, Bullock, Chamberlin, Claypool, Clendenin, Craig, Elliott, Fitzgerald, Hanna, Hays, Hoover, Hawk, Jackson of V., Johnson of P., Ketcham, Little, Long, Lewis of W., Lomax, Martin, Matlock, Morgan, Morris, Read, Richardson, Sergeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—36.

And so said motion was decided in the negative.

The same was then committed to a committee of the whole House on Saturday next.

The bill to establish the eastern boundary of Henry county, was read a second time.

Mr. Hoover moved to re-commit said bill to a select committee, with leave to report thereon; which was decided in the negative.

Said bill was then committed to a committee of the whole House on Monday next.

The bill to authorize the president and trustees of the county library of Greene county, to appropriate cer-

tain monies, was read a second time and committed to a committee of the whole House to-morrow.

The bill to improve the navigation of Sand creek, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill to repeal all acts heretofore in force, appropriating any part of the three per cent. fund, was read a second time:

Whereupon,

Mr. Sweetser moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Bullock, Chamberlin, Clendenin, Craig, Daniel, Dickson, Ferris, Fitzgerald, Hillis, Hoover, Howk, Jackson of D., Johnson of P., Lemon, Lewis of F., Lewis of W., Morgan, Morris, Richardson, Spaun, Stevens, Sweetser, Wallace, Wilson and Work—27.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Burnett, Claypool, Elliott, Gray, Hanna, Hays, Hurst, Jackson of V., Johnston of K., Ketcham, Little, Long, Lomax, McKinney, Marshall, Martin, Matlock, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Test, Watts and Moore, Sp'r.—30.

And so said motion was decided in the negative.

The same was then committed to a committee of the whole House to-morrow.

The engrossed joint resolution from the Senate, relative to purchasers of public lands, was read a third time; And,

On motion of Mr. Sweetser,

The same was re committed to a committee of the whole House to-morrow.

The engrossed bill supplemental to the several acts declaring Blue river a public highway—the engrossed bill from the Senate, entitled An act for the relief of Ansel Richmond, clerk and recorder of Madison coun-

ty—and the engrossed bill respecting the Knox county seminary, were severally read a third time and passed.

Ordered, That the first and last named bills be entitled Acts, and that the Clerk inform the Senate of the passage of the second named bill, and that he carry the others to the Senate, and ask their concurrence therein.

Mr. Lewis of W., from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled An act to amend the act regulating the mode of summoning and empannelling grand and petit jurors, approved January 31, 1824, and for other purposes, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

The House again resolved itself into a committee of the whole, on the joint resolution relative to fugitives from labor, and for other purposes: and after some time spent therein—the Speaker resumed the Chair, and Mr. Johnston of K. reported the same with one amendment; which was concurred in by the House.

Mr. Craig moved to amend said joint resolution by striking out the first resolution therein, which reads in the words following, to wit:

1st. Be it resolved by the General Assembly of the state of Indiana, That our representatives in Congress be requested, and our senators be instructed, to use their best endeavors to procure the United States laws on the subject of fugitives from labor, to be so altered and amended, that it shall be obligatory on those who may claim any such fugitive, to procure a proper writ from the proper legal authorities of the state, to enable the claimant to arrest such fugitive, and that such fugitive, when arrested, shall have under proper restrictions, the right of trial by jury.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Chamberlin, Clendenin, Craig, Dan-

iel, Dickson, Gray, Hurst, Jackson of D., Johnson of P., Lemon, Lewis of F., Long, Marshall, M'Kinney, Richardson, Slaughter, Test, Wallace, Watts, Wilson and More, Sp'r.—22.

And these who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Burnett, Claypool, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Howk, Jackson of V., Johnston of K., Ketcham, Little, Lewis of W., Lomax, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Spann, Stevens, Sweetser and Work—34.

And so said motion was decided in the negative.

Mr. M'Kinney moved further to amend said joint resolution, by the addition of the following words at the end of the first resolution, to wit: And that an attempt be made to emancipate all the slaves in the United States, provided it can be done without imposing on the people of this state a *direct tax*.

Mr. Read then moved that this House adjourn until to-morrow morning nine o'clock; which was decided in the negative.

Mr. Morgan then moved that the further consideration of said joint resolution and proposed amendment, be postponed indefinitely.

And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Craig, Daniel, Dickson, Hurst, Jackson of D., Johnson of P., Lewis of F., M'Kinney, Morgan, Restine, Richardson, Slaughter, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—19.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Jackson of V., Johnston of K., Ketcham, Lemon, Little, Long, Lomax, Lewis of W., Marshall, Martin, Matlock, Morris, Piercy, Ray, Read, Roberts, Sargeaut, Spann, Stevens, and Work—38.

And so said motion was decided in the negative.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 29, 1826.

The House met pursuant to adjournment.

Mr. Bullock, from the joint committee for enrolled bills, reported : That they did on yesterday present to His Excellency the Governor, for his approval and signature :

An act for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of Rush county. Also,

An act to amend an act regulating the mode of summoning and empannelling grand and petit jurors, approved, January 31, 1824, and for other purposes.

Mr. Johnston of K., presented a petition of James Chambers and others, of Knox county, praying a change in the present mode of doing county business ; which was read and laid on the table by consent.

Mr. Stevens, from the standing committee on the judiciary, submitted the following report, to wit :

Mr. Speaker,

1st. The committee on the judiciary, to whom was referred that part of the message of His Excellency the Governor, relative to the northern boundary line of our state, have had the same under consideration, and from the slight investigation which they have given the subject, they incline to think that the opinion of His Excellency the Governor is correct, but that they do not deem it necessary to further discuss or examine the subject at this time; and therefore have not formed a positive opinion respecting the controversy.

2d. That they have also had under their consideration the resolution of this House, respecting the arrangement and printing of the statutes of Great Britain in force in this state, &c. : and that they deem it inexpedient to legislate on that subject at this time.

3d. That they have also had under their consideration, the resolution requesting an inquiry into the expediency of repealing the law authorizing the payment of petit jurors out of the county treasury, and deem it inexpedient to repeal the law at this time.

4th. That they have also had under their consideration, the resolution respecting an inquiry into the expediency of providing by law, a form for collectors' deeds, &c., and are of opinion, that it is inexpedient to legislate further on the subject than is provided by the revenue laws; that it is the conduct of the collector, and the facts of the case, that make those deeds valid in law, and not the form of the deed.

5th. That they have also had the petition of Dr. Jabes Percival under their consideration, and are of opinion that the prayer of the petitioner ought not to be granted.

6th. And that they have also had under their consideration, the resolution requesting an inquiry into the expediency of authorizing justices of the peace to hear exculpatory evidence on behalf of any person charged with a criminal offence, when arraigned before them for examination, &c., and that they are of opinion, that it is now the law of the land, but that if any doubts exists as to whether it be the law now or not, they deem it expedient that those doubts should be removed, by so amending the criminal code; which amendment can be added to the bill now on file on the subject of crime and punishment.

The House concurred in said report generally, except so much as respects Dr. Percival.

Mr. Bassett moved to lay so much of said report as respects Dr. Percival, on the table; which was decided in the negative.

And then the House concurred therein.

Mr. Burnett, from the Military committee, to which was referred a resolution of this House, on the subject of reducing the number of musters and also muster fines, reported a bill to amend an act entitled, An act to regulate the militia of the state of Indiana, approved January 20, 1824; which was read the first time and passed to a second to-morrow.

Mr. Hillis, from the committee on the affairs of the town of Indianapolis, to which was referred so much of the Governor's message, as relates to the ten per. cent. out of the monies arising from the sale of lots in the town of Indianapolis, for the use of a library in Marion county, reported a bill appropriating a certain sum for the use of the Marion county library; which was read the first time;

Whereupon,

Mr. Craig moved to reject said bill; which was decided in the negative.

Said bill was ordered to a second reading to-morrow.

Mr. Read, from the select committee, to whom was referred a resolution of this House on that subject, reported a bill to amend the several acts for licensing and regulating taverns; which was read the first time and passed to a second reading to-morrow.

Mr. Ferris, from the select committee to whom was referred a resolution of this House, on the subject of an inquiry into the best mode of guarding against the evils that might grow out of the destruction by fire, of the public records of Dearborn county, reported a bill for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the Court House at Lawrenceburgh, on the 5th of March, 1826; which was read the first time, and passed to a second reading to-morrow.

A message from the Governor, by William W. Wick:

Mr. Speaker,

I am instructed by the Governor to inform this House, that he did on this day approve and sign:

An enrolled bill entitled, An act to amend the act regulating the mode of summoning and empannelling grand and petit jurors, approved January 31. 1824, and for other purposes; which originated in the House of Representatives.

Mr. Bassett, from the select committee, to which was referred a petition and remonstrance of sundry citizens of Dearborn county, on that subject, reported a bill providing for the relocation of the seat of justice of said

county; which was read the first time and passed to a second reading to-morrow.

Mr. Bassett presented a petition of sundry other citizens of said county, on the same subject.

Mr. M'Kinney, from the select committee, to which was referred, a petition of sundry citizens of Switzerland county, on that subject, reported a bill to amend an act entitled an act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state, approved February 12th, 1825; which was read the first time,

Whereupon,

Mr. Beckes moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Brown, Boon, Claypool, Clendenin, Craig, Dickson, Elliott, Gray, Hillis, Hoover, Hawk, Lemon, Little, Long, Lomax, Martin, Piercy, Read, Roberts, Sargeant, Sweetser and Wallace—24.

And those who voted in the negative are,

Messrs. Bassett, Bullock, Burnett, Chamberlin, Daniel, Fitzgerald, Hanna, Hays, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lewis of F., Lewis of W., M'Kinney, Marshall, Matlock, Morgan, Morris, Ray, Restine, Richardson, Slaughter, Spann, Stevens, Test, Watts, Wilson, Work and Moore, Sp'r.—32.

And so said motion was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Restine, from the select committee to which was referred a petition of Stephen Taylor and others, of Fountain county on that subject, reported a bill for the benefit of persons leasing the school section in township 24, range 7 west, in 1825; which was read the first time and passed to a second reading to-morrow.

Mr. Bullock presented the following resolution, to wit:

Resolved, That this House (the Senate consenting thereto) will on to-morrow at 2 o'clock P. M. proceed

to the election of one prosecuting attorney in and for each of the five judicial circuits, agreeably to the provisions of the law of the present General Assembly, and that the Senate be informed of this resolution, and a similar one on their part requested, and that seats be provided for the members of the Senate, on the right of the Speaker's chair : which being read,

On motion of Mr. Craig,

The same was ordered to lie on the table.

On motion of Mr. Hoover,

Resolved, That the committee on education, be instructed to inquire into the expediency of providing by law, for the safe keeping of the funds arising from the proceeds of the school sections in the several townships in this state, under the present system.

Mr. Boon presented the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act authorizing domestic attachments, and to regulate the proceedings therein, approved January 2, 1824, as to give the plaintiff in attachment a preference to other creditors.

Mr. Craig moved to amend the same, so as to make it imperative on said committee to report a bill on that subject, &c. ; which was decided in the negative.

And on the question to adopt said resolution, it was decided in the negative.

Mr. Ketcham presented the following resolution, to wit:

Resolved, That this House adopt the following resolution, to wit: meet at 9 o'clock, A. M. and continue in session until 4 o'clock, P. M. And,

On motion of Mr. Bullock,

Said resolution was ordered to lie on the table.

Mr. Lomax presented the following resolution, to wit:

Resolved, That a committee be appointed to examine the map of the county of Wayne, and report the number of square miles contained in the same.

Mr. Long moved to amend the same, by adding after

the word Wayne, the words "and Henry;" which was carried in the affirmative.

Said resolution as amended, was then adopted by the House.

Whereupon,

The Speaker appointed Messrs. Lomax, Long, Al-ly and Lewis of W. said committee.

Mr. Gray after having obtained leave, presented a bill authorizing the boards of justices to do any business omitted at any previous session; which was read the first time, and passed to a second reading to-morrow.

Mr. Hoover after having obtained leave, presented a bill to repeal the act authorizing called sessions of the circuit courts; which was read the first time, and passed to a second reading to-morrow.

Mr. Clendenin after having obtained leave, presented a bill to amend the act concerning salt springs in Orange county, approved January 20, 1826; which was read the first time, and passed to a second reading to-morrow.

Mr. Long moved that this House adjourn until two o'clock, P. M.; which was decided in the negative.

Mr. Hillis presented a claim of Andrew Sloan, for work done by him on the court house at Indianapolis; which was referred to the committee on claims.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Craig,

The House took up the resolution offered by Mr. Bullock this morning, relative to going into the election of prosecuting attorney, on to-morrow at two o'clock, P. M.

And said resolution was then adopted by the House.

Ordered, That Mr. Ferris act as teller on the part of this House.

Ordered, That the Senate be informed thereof.

Mr. Hays moved to re-consider the vote of yesterday, on the motion of Mr. Morgan, to postpone indefinitely, the further consideration of the joint resolution relative

to fugitives from labor, and for other purposes ; which was carried in the affirmative.

The question to postpone indefinitely, the further consideration of said joint resolution, then recurring:

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Chamberlin, Craig, Daniel, Hays, Hurst, Jackson of D., Jackson of V., Johnson of P., Lewis of F., M'Kinney, Marshall, Morgan, Restine, Richardson, Slaughter, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—22.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Burnett, Claypool, Clendenin, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hillis, Hoover, Howk, Johnston of K., Ketcham, Lemon, Little, Long, Lewis of W., Lomax, Martin, Matlock, Morris, Piercy, Ray, Read, Roberts, Sargeant, Spaun, Stevens and Work —35.

So said joint resolution was not indefinitely postponed.

Mr. Matlock moved to amend said joint resolution, by striking out the fifth resolution therein ; which reads in the words following, to wit:

Be it further resolved, That our Representatives in Congress be requested, and our Senators be instructed, to use their best endeavors, to cause the gaming instruments and apparatus in the Presidents house, belonging to the United States, to be sold or destroyed, as property for which the nation has no use.

And the ayes and noes being demanded by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Brown, Burnett, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Gray, Hanna, Hoover, Howk, Hurst, Jackson of D., Johnston of K., Little, Long, Lewis of F., Lomax, Martin, Matlock, Morris.

Ray, Restine, Sargeant, Wallace, Watts, Work and Moore, Sp'r.—30.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Bullock, Chamberlin, Claypool, Fitzgerald, Hays, Hillis, Jackson of V., Johnson of P., Ketcham, Lemon, Lewis of W., M'Kinney, Marshall, Morgan, Piercy, Read, Richardson, Roberts, Slaughter, Spann, Stevens, Sweetser, Test and Wilson—27.

And so said joint resolution was so amended.

Mr. M'Kinney then withdrew his proposed amendment to the first resolve.

Mr. Craig then moved to re-consider the vote on striking out the fifth resolve in said joint resolution, as proposed by Mr. Matlock.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Chamberlin, Claypool, Craig, Dickson, Hays, Hurst, Jackson of V., Johnson of P., Lemon, Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Morgan, Ray, Richardson, Slaughter, Spann, Stevens, Sweetser, Test, Watts, Wilson and Moore, Sp'r.—27.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Bullock, Burnett, Clendenin, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hillis, Hoover, Howk, Jackson of D., Johnston of K., Ketcham, Little, Long, Lomax, Matlock, Morris, Piercy, Read, Restine, Roberts, Sargeant and Work—29.

And so said motion was decided in the negative.

Mr. Lewis of W. then moved to postpone the further consideration of said joint resolution, until the first Monday in February next.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Chamberlin, Clendenin, Craig, Daniel, Elliott, Fitzgerald, Hays, Hurst, Jackson of D., Jackson of V., Johnson of P., Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Morgan, Restine, Richardson, Sargeant, Slaughter, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—28.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Burnett, Claypool, Dickson, Ferris, Gray, Hanna, Hillis, Hoover, Johnston of K., Ketcham, Lemon, Little, Long, Lomax, Matlock, Morris, Piercy, Ray, Read, Roberts, Spann, Stevens and Work—28.

And so said motion was decided in the negative.

Mr. Long moved to re-consider the vote just taken, on the motion of Mr. Lewis of W. to postpone until the first Monday in February next, the further consideration of said joint resolution.

And debate arising thereon, Mr. Beckes called for the previous question, and being demanded by three members, the said previous question was put, in the form prescribed by the rules of this House; that is to say, Shall the main question be now put? And it passed in the affirmative.

The said main question, to wit: Shall said vote be re-considered? Was then put, and passed in the affirmative.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Chamberlin, Clendenin, Craig, Daniel, Elliott, Hays, Hurst, Jackson of D., Jackson of V., Johnson of P., Long, Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Morgan, Restine, Richardson, Sargeant, Slaughter, Spanu, Stevens, Sweetser, Test, Wallace, Watts, Wilson and Work—30.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock,

Burnett, Claypool, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hillis, Hoover, Howk, Johnston of K., Ketcham, Lemon, Little, Lomax, Matlock, Morris, Piercy, Ray, Read, Roberts and Moore, Sp'r.—27.

Mr. Read then moved that this House adjourn until to-morrow morning nine o'clock; which was decided in the negative.

The question recurring on the motion of Mr. Lewis of W. to postpone until the first Monday in February next, the further consideration of said joint resolution, the same was carried in the affirmative.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Chamberlin, Clendenin, Craig, Daniel, Elliott, Fitzgerald, Hays, Hurst, Jackson of D., Jackson of V., Johnson of P., Long, Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Morgan, Restine, Richardson, Sargeant, Slaughter, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—29.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Burnett, Claypool, Dickson, Ferris, Gray, Hanna, Hillis, Hoover, Howk, Johnston of K., Ketcham, Lemon, Little, Lomax, Matlock, Morris, Piercy, Ray, Read, Roberts, Spauld, Stevens and Work—28.

The House adjourned until to-morrow morning nine o'clock.

no

SATURDAY MORNING, DECEMBER 30, 1826.

The House met pursuant to adjournment.

The following message was received from the Senate, on yesterday, by Mr. Farnham, their Assistant Secretary, whilst the House was engaged in discussing

the joint resolution relative to fugitives from labor, and for other purposes:

Mr. Speaker,

The Senate have passed an engrossed bill entitled, An act legalizing the proceedings of the trustees of township three north, of range two east, in the Jeffersonville district; in which the concurrence of the House of Representatives is requested.

The Senate has received official information, that the Governor did, on the 28th instant, approve and sign an enrolled bill, originating in the Senate, entitled An act to amend an act organizing circuit courts, and defining their powers and duties, approved January 30, 1824; and also, to amend an act entitled, An act concerning prosecuting attorneys, approved January 20, 1826—they have also adopted the following resolution:

Resolved by the Senate. That the House of Representatives be informed, that the Senate will on to-morrow, at two o'clock, P. M. meet the House of Representatives, in their Hall, and proceed to the election of one prosecuting attorney, in each judicial circuit, agreeably to an act passed at the present session of the General Assembly, and that the Senate have on their part, appointed Mr. Oliver teller.

Said bill was read the first time, and passed to a second reading on Monday next.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed the following engrossed bills of the House of Representatives, entitled Acts, viz:

An act authorizing Alexander Devin, Robert Milburn and Samuel Hall to convey a lot therein named.

An act to legalize certain official acts of William W. Kennedy, late recorder of Vermillion county; without amendment.

They have also passed certain joint resolutions of the General Assembly of the state of Indiana; in which the concurrence of the House of Representatives is requested.

Said joint resolutions were read the first time, which reads in the words following, to wit:

Resolved by the General Assembly of the state of Indiana, That the measures adopted and pursued by the present administration of the general government, particularly in extending the Cumberland road westwardly, and in aiding the grand interest of internal improvement, merit our decided *approbation*.

Resolved, That whilst in our opinion, the interests of the nation require that we should cautiously and perseveringly abstain from every species of involvement, in the concerns of foreign nations, *yet*, that the course pursued by the head of the government, in meeting with congenial feelings, those friendly overtures of the South American Republics, which resulted in the mission to Panama, thus giving a decided countenance to the cause of South American independence, receives our cordial *approbation*.

Resolved, That our confidence in the President of the United States, and the members of his cabinet, is based upon their public conduct, and is cheerfully accorded them, by this General Assembly.

Resolved, That the Governor be requested to transmit to the President of the United States, and to each of our Senators and Representatives in Congress, a copy of the preceding resolutions.

Whereupon,

Mr. Lemon moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Bullock, Burnett, Chamberlin, Claypool, Craig, Dickson, Fitzgerald, Gray, Hawk, Ketcham, Lemon, Long, Marshall, Martin, Sargeant and Sweetser—47.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Brown, Clendenin, Daniel, Elliott, Ferris, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P.,

Johnston of K., Lewis of F., Lomax, M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Slaughter, Spann, Stevens, Wallace, Watts, Wilson and Moore, Sp'r.—36.

And so said motion was decided in the negative.

Said joint resolution passed to a second reading on Monday next.

A message from the Governor, by W. W. Wick :

Mr. Speaker,

His Excellency the Governor, has on this day approved and signed the enrolled bills, which originated in the House of Representatives, entitled,

An act authorizing Samuel S. Graham to convey certain lots in the town of Paris, Jennings county.

An act for the relief of persons owning lots in Springfield, the late seat of justice of Posey county. And,

An act making an appropriation to pay the debt due from this state to the United States.

The Governor has also instructed me to return to this House, a joint resolution on the subject of certain public lands in the vicinity of Indianapolis, which originated in the House of Representatives, with his objections thereto expressed, in an accompanying communication in writing ; and also a joint resolution on the subject of lands appropriated for the use of salt springs.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS DECEMBER 30th, 1826. }

Hon. H. H. Moore, Speaker of the House of Representatives :

SIR—I herewith return two joint resolutions of the General Assembly of this state, to the House of Representatives for a re-consideration, which appears to me are defective in this, to wit :

As there is no general law in force in this state, requiring any particular officer of government to transmit copies of joint resolutions to our Senators and Representatives in Congress, and as these are intended for their use, I would respectfully recommend the adoption of the following resolution to each of the accompanying joint resolutions, that is to say,

Resolved, That the Governor of Indiana, be required

to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Most respectfully, I remain &c.

J. BROWN RAY.

And,

On motion of Mr. Howk,

Said communication and joint resolutions were ordered to lie on the table.

Mr. Ray, presented a petition of George Manlove and others, of Fayette county, praying authority to lease for 99 years, a certain school section therein named; which was ordered to lie on the table.

Mr. Hillis, from the committee on the affairs of Indianapolis, reported a bill authorizing an additional sale of lots in the town of Indianapolis; which was read the first time and passed to a second reading on Monday next.

Mr. Hays, from the committee on canals and internal improvements, submitted the following report and bill, to wit:

The committee on canals and internal improvements, beg leave to report—That deeply impressed with a due sense of the important subject to them referred, have yielded to those references such investigation as their magnitude each in turn appeared to demand, and have seriously to regret, that they feel themselves encompassed by a sense of their incompetency to develope the subject to this House, in such glowing colors as they appear to merit; yet they have assiduously pursued every beacon that afforded the faintest glimmering by which they might direct their inquiry. Your committee is aware, that the citizens of Indiana, laboring as they are, under a great scarcity of money and a depression of markets for their surplus produce, can bear at this time, but a small (if indeed any) additional burthen to the one already sustained. Your committee have therefore, been reluctantly compelled to restrain their desire of recommending to this house, the adoption of so extensive a range of internal improvement as was their intention so to do, fearing that the attempt though honorable and laudable could not be sustained. Although they are fully sensible of the vast importance it would be to the respectability of our young and rapidly increasing state, to embrace the many projected improvements at once; yet situated as we are, young and cramped in our financial resources, we were

bound to regard first with the most favorable eye, those improvements that appeared most imperiously demanded by the necessities and wants of our constituents, seriously regretting that we could not at once grasp within our embrace all the projected improvements. Thus situated, your committee yield at present a decided preference in favor of canals—though in the bill now submitted, they have incorporated a section directing the commissioners to collect together and lay before the legislature at their next session, such information on the subject of rail roads as they may be able to obtain.

Your committee deem it unnecessary to submit with this report any calculations on which may be based speculative arguments, to prove the probable amount of revenue that would be hereafter derived from the tolls and rent of water power or surplus water of any of the canals contemplated, situated as they are without data on which to found either estimates of expense or revenue to be derived; having a thorough conviction that any calculation of theirs founded upon our present wealth or population, must fall very far short of the amount that would be realized in a few years to come; besides, being well convinced that they have only been instructed to devise the best means of laying a foundation upon which the future legislator may build with safety. They cannot, however, refrain from calling your attention to the immense advantage the inhabitants of the state may reasonably expect to derive, as well in an immediate increase of the value of their real property, as the facilities of trade; besides the confidence with which we may and should approach this subject; to strengthen which, we with pleasure en passant state, that the animated opposition to the Ohio canal is fleeting like a short lived meteor, while the utility of the New York canal has been demonstrated beyond the power of contradiction.

With these glaring facts before our eyes, with a knowledge that the Ohio canal stock has in the short space of two years, notwithstanding the embarrassments of monied capitalists, rising with almost unprecedented rapidity, until it has reached 107 for 100; and a knowledge of the immense profits annually rolling into the swelling treasury of New York from their canal tolls, &c. With these striking examples before us, with a knowledge that our sister states are now rapidly advancing in the march of internal improvements and respectability, claiming the attention of the wisest politicians and ablest statesmen, we, your committee, are unwilling to be left so far behind, as to be considered veiled with the darkness of superstition, puerile fears, or sordid avarice.

Your committee earnestly recommend the adoption of the

accompanying bill, believing that its passage and following consequences will not only lay upon your table the necessary surveys, calculations and estimates, on which a future legislature may with safety act, but will also lay the foundation of a rich legacy, which we shall have the exquisite pleasure to bequeath to a rising and grateful posterity.

A bill to provide for the survey of canal routes within the state of Indiana, and to establish a board of commissioners on internal improvements; which was read the first time and passed to a second reading on Monday next.

Mr. Morris, from the select committee to which was referred, the petition of William W. Wick, reported a bill for his relief; which was read the first time:

Whereupon,

Mr. Hoover moved to reject the same; which was decided in the negative.

Said bill passed to a second reading on Monday next.

Mr. Ray, after having obtained leave, presented a bill to establish a county seminary in the county of Fayette; which was read the first time and passed to a second reading on Monday next.

Mr. Johnson of P., after having obtained leave, presented a bill to authorize the board of justices of Pike county, to appoint trustees to the Pike county library; which was read the first time and passed to a second reading on Monday next.

The House proceeded to consider the orders of the day.

The bill to provide for opening a road from Indianapolis in Marion county, to New Port in Vermillion county; and the bill to provide for the survey and location of a canal from Fort Wayne to some point on the Wabash, north of the mouth of the Tippecanoe river; were read a second time and committed to a committee of the whole House on Monday next.

The bill to authorize an exchange of a part of the territory of the counties of Johnson and Morgan; and the bill to repeal part of an act to establish certain roads therein named; were read a second time and committed to a committee of the whole House on Tuesday next.

The joint resolution approving the exercise of power by Congress, to make internal improvements; the bill to amend the act, entitled an act to regulate the militia of the state of Indiana, approved January 20th, 1824; the bill to amend the several acts for licensing and regulating taverns; and the bill providing for the re-location of the seat of justice in the county of Dearborn; were severally read a second time and committed to a committee of the whole House on Wednesday next.

The bill appropriating a certain sum for the use of the Marion county library; was read a second time,

Whereupon,

Mr. Boon moved to postpone the further consideration thereof indefinitely; which was decided in the negative.

Said bill was then committed to a committee of the whole House on Tuesday next.

The bill for the relief of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court-house at Lawrenceburgh on the morning of the 5th of March, 1826; was read a second time, And,

On motion of Mr. Ferris,

The title of said bill was amended so as to read the 6th of March.

Ordered, That said bill be engrossed and read a third time on Monday next.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Senate came down and took their seats on the right of the Speaker's Chair, on seats provided for them and the President of the Senate, on the right of the Speaker:

Whereupon,

The two houses proceeded by joint ballot, to the election of a prosecuting attorney, in each of the five judicial circuits in this state, in pursuance of an act of the present General Assembly.

For prosecuting attorney in the first judicial circuit,

on counting the first ballot, John Law had sixty-seven votes, scattering eleven votes.

John Law having received a majority of the whole number of votes given, was by the President of the Senate, in the presence of both houses of the General Assembly, declared duly elected prosecuting attorney, for the first judicial circuit, for two years from and after this day.

For prosecuting attorney in the second judicial circuit, on counting the first ballot, John Kingsbury had forty votes, and Milton Stapp thirty-six votes.

John Kingsbury having received a majority of the whole number of votes given, was by the President of the Senate, in the presence of both houses of the General Assembly, declared duly elected prosecuting attorney, for the second judicial circuit, for the term of two years from this day.

For prosecuting attorney in the third judicial circuit, on counting the first ballot, Cyrus Finch had fifty-six votes, Amos Lane thirteen votes, William R. Morris five votes, and George H. Dunn three votes.

Cyrus Finch having received a majority of the whole number of votes given, was by the President of the Senate, in the presence of both houses of the General Assembly, declared duly elected prosecuting attorney, for the third judicial circuit, for the term of two years from this date.

For prosecuting attorney in the fourth judicial circuit, on counting the first ballot, Charles I. Battell had sixty-four votes, scattering thirteen votes.

Charles I. Battell having received a majority of the whole number of votes given, was by the President of the Senate, in the presence of both houses of the General Assembly, declared duly elected prosecuting attorney, for the fourth judicial circuit, for the term of two years from this date.

For prosecuting attorney in the fifth judicial circuit, on counting the first ballot, James Whitcomb had fifty-five votes, scattering twenty votes.

James Whitcomb having received a majority of the whole number of votes given, was by the President of

the Senate, in the presence of both houses of the General Assembly, declared duly prosecuting attorney, for the fifth judicial circuit, for the term of two years from this date.

And then the Senate retired to their Chamber.

Mr. Lewis of W. from the joint committee for enrolled bills reported—That they have compared the enrolled with the engrossed bills, entitled as follows:

An act to legalize certain official acts of William W. Kennedy, late recorder of Vermillion county.

An act authorizing Alexander Divin, Samuel Hall and Robert Milburn to convey a lot therein named; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, JANUARY 1, 1827.

The House met pursuant to adjournment.

Mr. Bullock, from the joint committee for enrolled bills, reported—That they have compared the enrolled with the engrossed bill, entitled an act for the relief of Ansel Richmond, clerk and recorder of Madison county; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

The Speaker laid before the House, a communication from B. I. Blythe, agent of the state for the town of Indianapolis, relative to the contract with Asahel Dunning, in pursuance of a resolution of this House; which was read and ordered to lie on the table.

Mr. Long presented a petition of John D. Stevenson.

and others, of Hamilton county, praying the location of a state road from New-Castle in Henry county, by Noblesville in Hamilton county, to Lafayette in Tippecanoe county; which was referred to the same select committee to which was referred the petition of Daniel Heaton and others.

Mr. Restine presented a petition of William Curry and others, of Montgomery county, praying an alteration in a certain state road therein named; which was referred to the committee on roads.

Mr. Lemon presented a petition of James Linton, praying certain relief; which was referred to the committee on the affairs of the town of Indianapolis.

The following message was received from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed enrolled bills of the House of Representatives, of the following titles, to wit:

An act supplemental to the several acts declaring Blue river a public highway; and an act appointing commissioners to re-locate the seat of justice of Crawford county, without amendment.

They have also passed an original bill entitled an act to repeal an act to authorize called sessions of the circuit courts; in which they ask the concurrence of the House of Representatives.

The last named bill was read the first time and passed to a second reading to-morrow.

Mr. Long presented a petition of Jesse M. Wood and others, praying the location of a road from New Castle in Henry county, to Lafayette in Tippecanoe county; which was referred to the same select committee to which was referred the petition of Daniel Heaton and others.

Mr. Hillis, from the select committee, to which was referred that part of the Governor's message, which relates to the late treaty with the Indians, reported a joint resolution on that subject, which was read the first time and passed to a second reading to-morrow.

Mr. Hays submitted the following report, to wit.

Mr. Speaker,

The committee to whom the petition and remonstrance of the inhabitants of Parke county, relative to a removal of the seat of justice of said county, were referred, have had the same under their consideration, and beg leave to report—That in the opinion of the committee, the sentiments fairly expressed of the majority of the inhabitants of any county, relative to their local concerns, should be the unerring guide of the Legislature, and as the voice of the county appears from the petition and remonstrance, to be decidedly opposed to a removal by a majority of remonstrants to the amount of 64 signers, your committee think it their express duty to report, that it is inexpedient to grant the prayer of the petitioners at this time; which was concurred in by the House.

Mr. Claypool presented the following resolution, to wit:

Resolved, That the committee appointed to ascertain the number of square miles in Wayne and Henry counties, be directed to report as soon as practicable. And,

On motion of Mr. Elliott,

The same was ordered to lie on the table.

Mr. Long presented the following resolution, to wit:

Resolved, That the committee appointed to examine and estimate the number of square miles in the county of Wayne and Henry, be discharged, and a disinterested committee appointed, with instruction to examine the laws organizing the counties of Union, Fayette and Henry, and report the same to this House. And likewise the number of square miles in the counties of Henry and Wayne, when Henry county was set off; and report if in their opinion, the county of Henry has been reduced by the late law defining the western boundary of Wayne county.

Mr. Boon moved to amend the same by the following addition at the end thereof, to wit:

“And that the said committee inquire into the expediency of consolidating the counties of Franklin, Union, Fayette and Wayne;” which was carried in the affirmative. And,

On motion of Mr. Sweetser,

The same was ordered to lie on the table.

Mr. Ketcham moved to add Mr. Claypool and Mr. Ray to the select committee on that subject. And,

On motion of Mr. Ferris,

The further consideration thereof was postponed until to-morrow.

Mr. Johnston of K., presented the following resolution, to wit:

Resolved, That a select committee be appointed to inquire into the expediency and propriety of some persons being authorized on the part of this state, to subscribe for, and obtain eighty copies of "Reports of cases argued and decided in the Supreme Court of Indiana, from the organization of the state, by Isaac Blackford;" which copies shall be for the use of the officers of state, and the clerks of the several circuit courts; and that said committee report thereon by bill or otherwise.

Mr. Craig moved to amend the same by striking out the words "some persons," and insert "the Treasurer of State;" which was carried in the affirmative.

Mr. Stevens moved further to amend the same by striking out the words "eighty;" which was also carried in the affirmative.

Said resolution as amended was then adopted by the House.

When,

The Speaker appointed Messrs. Johnston of K., Hillis and Ferris, that committee.

On motion of Mr. Piercy,

Resolved, That the Senate be invited to sit in the Representatives Hall, (on to-morrow) on the trial of Thomas H. Roberts, esquire, a justice of the peace of Floyd county, who stands impeached, and that seats be prepared for them, around and nearest to the Speaker's Chair, and that the Clerk inform the Senate thereof.

On motion of Mr. Stevens,

The House took up and proceeded to re-consider the joint resolution, relative to certain lands in the vicinity of Indianapolis, and the joint resolution relative to the lands reserved for the use of salt springs, together with the objections of his Excellency the Governor thereto.

The question then recurring, Shall the first named

joint resolution, to wit: A joint resolution relative to certain lands in the vicinity of Indianapolis, be adopted by the House, the objections of his Excellency the Governor thereto, to the contrary notwithstanding?

And the vote by ayes and noes being taken thereon, as required by the constitution, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—53.

And those who voted in the negative are,

Messrs. Burnett and Johnston of K.—2.

So said joint resolution was adopted by the House.

The question being put, Shall the second named joint resolution, to wit: A joint resolution relative to lands reserved for the use of salt springs, be adopted by the House, the objections of his Excellency the Governor thereto, to the contrary notwithstanding?

And the vote by ayes and noes being taken thereon, as required by the constitution, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson Work and Moore, Sp'r.—48.

And those who voted in the negative are,

Messrs. Beckes, Boon, Burnett, Hurst, Johnston of K., Ray and Sweetser—7.

So said resolution was adopted by the House.

Ordered, That the Clerk carry said joint resolutions to the Senate, and ask their concurrence therein, and that the objections of the Governor thereto, accompany the same.

Mr. Hays presented the following resolution, for the consideration of the House, to wit:

Resolved, That a select committee be appointed to inquire into the expediency of granting relief to foreigners and aliens, who have heretofore purchased real estate, without declaring previous to their purchase of such estate, their intention of becoming citizens of the United States, according to the statutes of the state, approved January 14, 1818; also, whether it is expedient to repeal any part of said statute, with leave to report by bill or otherwise on both subjects.

Mr. Lomax moved to strike out the words "a select committee be appointed," and insert in lieu thereof, the following words, to wit: "the judiciary committee be instructed;" which was carried in the affirmative.

Said resolution as amended was then adopted by the House.

Mr. Fitzgerald presented the following resolution, for the consideration of the House, to wit:

Resolved, That the standing committee on education, be directed to inquire into the expediency of raising a fund, for the support of common schools in this state, by a tax on whiskey.

Mr. Boon moved to amend said resolution, by adding thereto the words "brandy and rum;" which was decided in the negative.

Mr. Claypool moved to lay said resolution on the table; which was decided in the negative.

On the question to adopt the same, it was decided in the negative.

Mr. Stevens presented the following resolution, to wit:

Resolved, That this House will not after Saturday next, receive any new business originating in this House, and that the Senate be informed of this resolution, and a similar one on their part requested. And,

On motion of Mr. Boon,

The same was ordered to lie on the table.

Mr. Lemon after having obtained leave, presented a joint resolution, proposing an amendment to the constitution of the United States; which was read the first time,

Whereupon,

Mr. Morris moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Chamberlin, Craig, Ferris, Fitzgerald, Hanna, Hillis, Hurst, Jackson of D., Johnson of P., Lewis of F., Martin, Morris, Restine, Richardson, Slaughter, Sweetser, Wallace, Watts, Wilson and Moore, Sp'r.—24.

And those who voted in the negative are,

Messrs. Ally, Bullock, Burnett, Claypool, Clendenin, Daniel, Elliott, Gray, Hays, Hoover, Howk, Jackson of V., Johnston of K., Ketcham, Lemon, Little, Long, Lewis of W., Lomax, Marshall, Matlock, Morgan, Piercy, Ray, Read, Roberts, Sargeant, Spann, Stevens and Work—30.

So said joint resolution was not rejected.

The same passed to a second reading to-morrow.

Mr. Craig moved that this House adjourn until two o'clock, P. M.; which was decided in the negative.

Mr. Hoover after having obtained leave, presented a bill requiring the boards of justices, or persons doing county business, to build fire proof offices for clerks and recorders; which was read the first time; when,

Mr. Morgan moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Burnett, Chamberlin, Clendenin, Craig, Fitzgerald, Hanna, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Lemon, Little, Long, Lewis of F., Marshall, Martin, Matlock, Morgan, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Spann, Stevens, Watts, Work and Moore, Sp'r.—37.

And those who voted in the negative are,

Messrs. Brown, Claypool, Elliott, Ferris, Gray, Hoover, Howk, Ketcham, Lewis of W., Lomax, M^r. Kinney, Morris, Sweetser, Test, Wallace and Wilson —16.

And so said bill was rejected.

Mr. Morris after having obtained leave, presented a bill for locating and opening a state road from Indianapolis, to Lafayette in Tippecanoe county; which was read the first time, and passed to a second reading to-morrow.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Morgan after having obtained leave, presented a bill for the relief of Thomas Carter; which was read the first time, and passed to a second reading to-morrow.

The Speaker laid before the House, a report of the situation of the funds of the county seminary of Decatur county; which was referred to the committee on education.

Mr. Johnston of K. after having obtained leave, presented a joint resolution, respecting the improvement of the navigation of the river Wabash; which was read the first time, and passed to a second reading to-morrow.

The House proceeded to consider the orders of the day.

On motion of Mr. Bassett,

The several orders of the day, which precede the en-

grossed bill from the Senate, entitled An act for the benefit of the widow and heirs of Peter B. Wright, deceased, were for the present postponed. And,

On motion of Mr. Ferris,

The committee of the whole House, to which the same was committed, were discharged from the further consideration thereof.

Said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof:

The bill to amend the act entitled, An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state, approved February 12, 1825, was read a second time and committed to a committee of the whole House on Wednesday next.

The bill for the benefit of persons leasing the school section in township 21, range 7 west, in 1825, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend the act entitled, An act to regulate the mode of doing county business, and the bill to authorize an additional sale of lots in the town of Indianapolis, were read a second time and committed to a committee of the whole House on Thursday next.

The bill to repeal an act to authorize called sessions of the circuit courts, was read a second time. And,

On motion of Mr. Bullock,

Said bill was ordered to lie on the table.

The bill to amend an act concerning salt springs in Orange county, approved January 20, 1826, and the bill to authorize the board of justices of Pike county, to appoint trustees of the Pike county library, were read a second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate, entitled An act legalizing the proceedings of the trustees of township 3 north of range 2 west, in the Jeffersonville district, was read a second time. And,

On motion of Mr. Stevens,

The same was ordered to lie on the table.

The bill to provide for the survey of canal routes

within the state of Indiana, and to establish a board of commissioners on internal improvement, was read a second time; when,

Mr. Little moved to postpone the further consideration thereof, until the first Monday in December next.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bullock, Brown, Claypool, Clendenin, Elliott, Hoover, Little, Lewis of W., Lomax, Sweetser, Wallace and Wilson—13.

And those who voted in the negative are,

Messrs. Bassett, Boon, Burnett, Chamberlin, Craig, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K. Ketcham, Lemon, Long, Lewis of F., M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Watts, Work and Moore, Sp'r.—42.

And so said motion was decided in the negative.

Mr. Bullock then moved to lay said bill on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Brown, Bullock, Claypool, Elliott, Ferris, Hanna, Hoover, Little, Lomax and Wilson—11.

And those who voted in the negative are,

Messrs. Bassett, Boon, Burnett, Chamberlin, Clendenin, Craig, Daniel, Dickson, Fitzgerald, Gray, Hays, Hillis, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Long, Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Watts, Work and Moore, Sp'r.—43.

Said motion to lie on the table, was decided in the negative.

Said bill was then committed to a committee of the whole House on Tuesday next.

The bill for the relief of William W. Wick, was read a second time, and committed to a committee of the whole House on Saturday next.

The bill to establish a county seminary in the county of Fayette, and the joint resolution of the General Assembly of the state of Indiana, from the Senate, were read a second time, and committed to a committee of the whole House on Saturday next.

* The engrossed bill to improve the navigation of Sand creek, was read a third time and passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill for the relief of those who have, or are like to suffer by the destruction of the public records of Dearborn county, by fire in the court house at Lawrencebuegh, on the morning of the 6th of March, 1826, was read a third time, amended by consent, and passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Lewis of W. from the joint committee for enrolled bills, reported—that they have compared the enrolled with the engrossed bills, entitled An act supplemental to the several acts declaring Blue river a public highway, and An act appointing commissioners to relocate the seat of justice of Crawford county, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

The House resolved itself into a committee of the whole, on the bill to amend the act entitled, An act regulating the jurisdiction and duties of justices of the peace; and also, the engrossed bill from the Senate,

entitled An act extending the jurisdiction of justices of the peace to \$100 in civil actions, and prescribing certain duties required of them: and after some time spent therein—the Speaker resumed the Chair, and Mr. Hillis reported progress, and asked leave to sit again; which leave was given by the House.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 2, 1827.

The House met pursuant to adjournment.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate has adopted the following resolution:

Resolved, That the Senate will occupy the Hall of the House of Representatives, whilst sitting as a Court of Impeachment for the trial of Thomas H. Roberts, agreeably to an invitation received from the House of Representatives; and that the House of Representatives be informed of the adoption of this resolution.

On motion of Mr. Hawk,

Resolved, That the managers appointed by this House to prosecute before the Senate, the articles of impeachment, by them preferred against Thomas H. Roberts, a justice of the peace of Floyd county, be instructed (with permission of the Senate) to amend the said articles of impeachment, by striking out after the words “Jacob Bence then being one of the justices of the peace for,” these words, to wit: “the said township of New Albany,” so that the same will read as follows: “Jacob Bence then being one of the justices of the peace for and in the county of Floyd.”

Mr. Hays presented petitions of sundry citizens of Parke, Vermillion and Fountain counties, praying an alteration in the boundaries of their counties; which was referred to a select committee.

Ordered, That Messrs Hays, Bullock and Watts, be that committee.

Mr. M'Kinney presented a petition of John M. Wilson, late collector of Fayette county, praying certain relief; which was referred to a select committee.

Ordered, That Messrs. M'Kinney, Ray and Claypool, be that committee.

Mr. Morris presented a petition of Thomas Chinn of Marion county, praying certain relief; which was referred to the committee on the affairs of the town of Indianapolis.

The following message was received from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed certain joint resolutions, to wit :

A joint resolution on the subject of certain public lands in the vicinity of Indianapolis; and a joint resolution relative to the lands reserved for the use of salt springs, the Governors objections to the contrary notwithstanding.

Mr. Ray, from the select committee to which was referred the petition of Richard Winchel and others, on that subject, reported a bill to establish a state road from Greensburgh in the county of Decatur, to Centerville in Wayne county, by the way of Connersville in Fayette county; which was read the first time,

When,

Mr. Test moved to reject said bill; which was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Hoover, from the select committee, to which was referred a petition of Eleazer Hyatt and others of Wayne county, on that subject, reported a bill to improve the breed of sheep; which was read the first time,

When,

Mr. Matlock moved to reject the same; which was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Morris moved to take up the report of the select committee, and of the agent of the state for the town of

Indianapolis, relative to the contract with Asabel Dunning; which was carried in the affirmative.

On motion of Mr. Morris,

The same was referred to the committee on the affairs of the town of Indianapolis.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Johnston of K., from the select committee to which was referred a resolution of this House, on that subject, reported as follows, to wit:

Mr. Speaker,

The committee who were directed to enquire into the expediency and propriety of authorizing the treasurer of state to subscribe for, and procure an indefinite number of copies of "Reports of cases argued and decided in the supreme court of Indiana, from the organization of the state government, by Isaac Blackford," beg leave to report: That upon enquiry, they find that those reports will appear in print, and be ready for delivery early next spring. That the decisions will be contained in one volume, of from 450 to 500 pages; be printed with a good type, and upon the best quality of royal paper, and bound and lettered; and will cost at the rate of one dollar for every hundred pages.

That from the character of the Reporter for legal acquirements, veracity and assiduity, your committee are authorized to state, that the work will be well done, and its author highly deserving patronage.

That the Reports will contain the law of our land, so far as the multifarious subjects which have, for a period of ten years came before, and been decided by the supreme court; and as such, should be circulated and known throughout the state—the better to effect which, one copy should be kept in the several clerks' offices of the circuit court, and in that of our supreme court, and one in the secretary of states' office; and thus affording an opportunity, not only to the several courts, but also to our citizens, of knowing for themselves, what the law is decided and adjudged to be. For which end, your committee herewith report, and recommend the passage of the following joint resolution:

A joint resolution respecting Blackford's reports; which was read the first time and passed to a second reading to-morrow.

Mr. Howk presented the following articles of impeachment against Thomas H. Roberts, a justice of the peace of Floyd county, to wit :

STATE OF INDIANA, ss.

Articles of impeachment, exhibited by the House of Representatives of said state, in the name of themselves and of the people of the state of Indiana, against Thomas H. Roberts, a justice of the peace of New-Albany township, in the county of Floyd, and state aforesaid.

ARTICLE 1 That the said Thomas H. Roberts, justice of the peace for New Albany township, in the county of Floyd and state aforesaid, has been and is guilty of perjury, to wit: at the county of Floyd aforesaid.

Specification. That the said Thomas H. Roberts, a justice of the peace for New-Albany township, in the county of Floyd, and state aforesaid, wickedly and maliciously devising, and intending unjustly to vex and aggrrieve one Preston F. Tuley, and to subject him to the punishments, pains and penalties, by the laws of this state, provided for persons guilty of felony, theft, larceny and breach of the peace, on the sixth day of February, in the year of our Lord one thousand eight hundred and twenty six, at the county of Floyd aforesaid, came in his own proper person, before Jacob Bence, then being one of the justices of the peace for and in the county of Floyd aforesaid, and then and there was duly sworn according to law, before the said Jacob Bence, justice of the peace as aforesaid, (he the said Jacob Bence, having then and there, competent authority to administer the said oath, to the said Thomas H. Roberts, in that behalf,) and that the said Thomas H. Roberts, being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and instigated by the devil, then and there, before the said Jacob Bence, (he the said Jacob Bence having competent authority to administer the said oath, as aforesaid) upon his oath aforesaid, falsely and maliciously, wilfully, absolutely and corruptly did say, depose, swear and give information in writing, to the purport and effect following, that is to say, he the said Thomas H. Roberts being duly sworn according to law, did depose and say, that on the sixth day of February, 1826, at New-Albany, in the county of Floyd aforesaid, a felony was perpetrated on the goods of Thomas H. Roberts, (meaning the said Thomas H. Roberts) of said county, by a certain Preston F. Tuley, (meaning the said Preston F. Tuley) of the county aforesaid, and that he the deponent (meaning the said Thomas H. Roberts) verily believed that the said P. F. Tuley,

(meaning the said Preston F. Tuley) did, with force and arms, perpetrate the said felony; by taking and carrying certain books, the property of the said T. H. Roberts, (meaning the said Thomas H. Roberts) against the peace and dignity of the state. Whereas in truth and in fact, a felony was not perpetrated on the goods of the said Thomas H. Roberts, by the said Preston F. Tuley, on the said sixth day of February, 1826, or at any time whatsoever; and whereas, in truth and in fact, the said Thomas H. Roberts did not verily believe that the said Preston F. Tuley did with force and arms perpetrate the said felony, by taking and carrying certain books, the property of the said Thomas H. Roberts, against the peace and dignity of the state, in manner aforesaid. And so the said Thomas H. Roberts, on the said sixth day of February, 1826, at the county of Floyd aforesaid, before the said Jacob Bence, so being one of the justices of the peace, for and in the county of Floyd aforesaid, and so having sufficient power and authority to administer the said oath to the said Thomas H. Roberts as aforesaid, falsely, maliciously, wickedly, wilfully and corruptly, on his oath aforesaid, in manner and form aforesaid, commit wilful and corrupt perjury, contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the state of Indiana.

Which were concurred in by the House.

When,

The Speaker signed the same.

On motion of Mr. Howk,

Resolved, That the managers appointed by this House to prosecute articles of impeachment by them preferred against Thomas H. Roberts, a justice of the peace of Floyd county, at the bar of the Senate, be instructed to lay before the Senate the articles of impeachment by this House adopted this day, against the said Thomas H. Roberts, justice of the peace as aforesaid, and prosecute the same on behalf of this House to final judgment, and should it be necessary, enter a *nolle prosequi* on the articles of impeachment heretofore exhibited by this House.

Mr. Howk presented the following resolution, to wit:

Resolved, That the Clerk of this House be instructed to make out five copies of the joint resolution on the subject of certain public lands in the vicinity of Indianapolis; and of the joint resolution relative to the lands

reserved for the use of salt springs, and that the Speaker of this House forward a copy of each of said resolutions to each of our Senators and Representatives in Congress, as soon as practicable.

Mr. Sweetser moved to amend said resolution as follows, to wit: Before the word "clerk," insert "enrolling," and strike all of said resolution out from the word "springs" and insert the words following: "And deliver them to the Governor, who is respectfully requested to transmit one of them to each of our Senators and Representatives in Congress."

A division of the question being called for, the question was taken upon striking out; and it was carried in the affirmative.

And the question recurring, Shall said resolution be amended as proposed by Mr. Sweetser?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r.—48.

And those who voted in the negative are,

Messrs. Hawk, Hurst, Johnson of P. and Wilson—4.

And the resolution was so amended.

Said resolution as amended was then adopted by the House.

Mr. Lewis of W. from the joint committee for enrolled bills, reported—That they did on this day, present to the Governor for his approval and signature, enrolled bills of the following titles, to wit:

An act to legalize certain official acts of William W. Kennedy, late recorder of Vermillion county.

An act for the relief of Ansel Richmond, clerk and recorder of Madison county.

And an act authorizing Alexander Divin, Robert Milburn and Samuel Hall to convey a lot therein named.

The House proceeded to consider the orders of the day.

The engrossed bill from the Senate, to repeal an act entitled, An act to authorize called sessions of the circuit court, was read a second time.

Mr. Hurst moved to commit said bill to a committee of the whole House on Saturday next; which was decided in the negative.

Mr. Ferris then moved to add the following words at the end thereof, to wit: "this act shall take effect and be in force, from and after its publication in the Indiana Journal;" which was carried in the affirmative.

Mr. Hurst then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Brown, Burnett, Claypool, Fitzgerald, Hanna, Hurst, Johnson of P., Long, Lewis of W. Marshall, Slaughter, Wilson and Work—13.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Chamberlin, Clendenin, Craig, Ferris, Hays, Hillis, Howk, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Little, Lewis of F., Lomax, M'Kinney, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Spaun, Sweetser, Test. Wallace, Watts and Moore. Sp'r.—35.

And so said motion was decided in the negative.

Said bill passed to a third reading to-morrow.

The joint resolution relative to the late treaty with the Indians, was read a second time; when,

Mr. Bassett moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Chamberlin, Clendenin, Craig, Ferris, Gray, Hawk, Hurst, Johnson of P., Little, Lewis of W., Lomax, Marshall, Martin, Sergeant, Slaughter, Sweetser, Test, Wallace, Work and Moore, Sp'r.—22.

And those who voted in the negative are,

Messrs. Ally, Brown, Burnett, Claypool, Daniel, Elliott, Fitzgerald, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Long, Lewis of F., M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Spann, Watts and Wilson—30.

And so said motion was decided in the negative.

Said joint resolution was committed to a committee of the whole House on Thursday next.

The joint resolution proposing an amendment to the constitution of the United States, was read a second time, and committed to a committee of the whole House on Thursday next.

The bill for the relief of Thomas Carter, was read a second time,

Whereupon,

Mr. Lewis of W. moved to postpone the further consideration of said bill indefinitely; which was carried in the affirmative.

The joint resolution respecting the navigation of the river Wabash, was read a second time, and committed to a committee of the whole House on Thursday week next.

The bill to locate and open a state road from Indianapolis to Lafayette in Tippecanoe county, was read a second time, and committed to a committee of the whole House on Friday next.

The House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 3, 1827.

The House met pursuant to adjournment—
And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

4 o'clock P. M.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 4, 1827.

The House met pursuant to adjournment—
And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

5 o'clock P. M.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 5, 1827.

The House met pursuant to adjournment.

Mr. Stevens presented a petition signed by himself, asking pay for certain services by him rendered in collecting state revenue; which was referred to the committee on claims.

Mr. Matlock presented a remonstrance of John Gray, sen. and others, of Morgan county, against the proposed alteration of the bounds of said county; which was referred to the same committee to which was referred the bill on that subject.

Mr. Morgan presented a petition of Arthur Major and others, citizens of Shelby and Decatur counties, praying a repeal of the law establishing a state road from Stipp's hill to Bloomington; which was referred to the same committee of the whole House to which was committed a bill on that subject.

Mr. Ray presented a petition of David S. Thomas and others, of Fayette county, praying certain amendments to the law regulating roads and highways; which was referred to

the same committee of the whole to which was committed the bill on the subject of roads and highways.

Mr. Roberts presented a petition of James H. Johnson and others, of Lawrence and Jackson counties, praying authority for John Hammersley and others, to build a wing dam on the East Fork of White River, near Bono; which was referred to a select committee.

Ordered, That Messrs. Roberts, Boon and Restine be that committee.

The Speaker laid before the House, a report of the situation of the seminary fund of Dearborn county; which was referred to the committee on education.

Mr. Lewis of F., from the committee on claims, submitted the following report, to wit:

Mr. Speaker,

The committee of claims, to whom was referred the account of Thomas Hoagland, for furnishing fuel for, and attendance on the supreme court, at their May term of 1825, have had the same under consideration, and have instructed me to report, that said account is reasonable, and ought to be allowed, together with interest for one year.

Resolved therefore, That the sum of seven dollars and ninety five cents be allowed Thomas Hoagland, in the specific appropriations; which was read, and referred to the committee of ways and means.

Mr. Lewis of F., from the committee on claims, submitted the following report:

Mr Speaker,

The committee of claims, to whom was referred the account of Andrew Sloan, for setting 91 lights of 10 by 12 glass in the court house, have had the same under consideration, and have instructed me to report, that in the opinion of the committee it is more properly a county charge: Therefore, it is inexpedient to allow said claim.

Which report was concurred in by the House.

Mr. Hays, from the committee on canals and internal improvements, reported—that they have examined the act entitled, “An act to incorporate the Whitewater Canal Company,” and find the same defective; and after leave granted, reported a bill to amend the same; which was read the first time, and passed to a second reading to-morrow.

Mr. Hays presented the following resolution, to wit.

Resolved, That a committee be appointed to revise and amend an act, approved Jan’y 18, 1824, authorizing the secretary, treasurer and auditor of state, to contract with a printer

for the public printing, for three years, which act expires on the 28th inst.; with leave to report by bill or otherwise.

Mr. Stevens moved to amend said resolution, by striking it out from the word resolved, and inserting the following in lieu thereof: "That a select committee be appointed to bring in a bill to provide for the number of copies of the laws of this session to be printed, and for the distribution of the laws and journals of this session; and also, to provide for the employment of a public printer, when the present contract for printing shall expire."

Mr. Craig moved to amend the amendment, by striking out the words "a select committee be appointed," and inserting the words "the committee of ways and means be instructed;" which was carried in the affirmative.

Said resolution as amended was then adopted by the House.

Mr. Burnett presented the following resolution to wit:

Resolved, That the judiciary committee be instructed to report a bill to this House repealing the laws now in force organizing a board of justices to do county business and to substitute a board of county commissioners in lieu thereof.

Mr. Johnson of P. moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being demanded thereon by two members, the same are as follows to wit:

And those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Bullock, Chamberlin, Clendenin, Craig, Elliott, Fitzgerald, Gray, Hillis, Hoover, Hurst, Johnson of P. Johnston of K. Ketcham, Lemon, Little, Lewis of W. Lomax, Marshall, Matlock, Morris, Piercy, Restine, Roberts, Sargeant, Slaughter, Sweetser, Wallace, Watts, Wilson, Work and Moore, Sp'r.—34.

And those who voted in the negative are,

Messrs. Boon, Brown, Burnett, Claypool, Dickson, Ferris, Hanna, Hays, Jackson of D. Jackson of V. Long, Lewis of F. Martin, Morgan, Ray, Spann and Test—17.

So said motion was carried in the affirmative.

Mr. Elliott presented the following resolution, to wit:

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing so much of the 39th section of the probate law as requires the widow of any decedent to give bond and security, before she can receive what is already secured to her by all laws; and

On motion,

The further consideration thereof was indefinitely postponed.

Mr. Test presented the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill making it the duty of the prosecuting attorneys in their several judicial circuits, to file information upon which the circuit courts shall issue writs of *quo warranto*, against associate judges, sheriffs, clerks, justices of the peace, and other inferior officers, where a bill of indictment may have been found against the person holding such office, for a crime, the commission of which would subject such person, if convicted, to be imprisoned in the state prison, or to suffer other infamous punishment: And also, make it the duty of such prosecuting attorney, to file information against the officers aforesaid, for *malconduct* in office, and in either case, upon the facts set out in such information being found true, by a jury of twelve men upon an impartial trial, to authorize the circuit court to remove said officer from his office.

Mr. Craig moved to amend the same so as to make it imperative on said committee to report a bill on that subject.

When,

Mr. Gray moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Dickson, Ferris, Fitzgerald, Gray, Hays, Hillis, Hoover, Hurst, Jackson of V., Johnson of P., Johnston of K., Ketcham, Little, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Morgan, Morris, Piercy, Restine, Roberts, Sargeant, Slaughter, Stevens, Sweetser, Wallace, Watts, Work and Moore. Sp'r—41.

And those who voted in the negative are,

Messrs. Ally, Elliott, Hanna, Jackson of D., Lemon, Matlock, Ray, Spann, Test and Wilson—10.

And so said motion was carried in the affirmative.

Mr. Sweetser moved to take up the resolution offered by Mr. Stevens, relative to receiving no new business after Saturday next,

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Chamberlin, Clendenin, Fer-

sis, Hanna, Hillis, Hoover, Jackson of D., Jackson of V., Little, Lewis of W., Lomax, Marshall, Martin, Ray, Roberts, Sargeant, Stevens, Sweetser, Wallace, Watts, Work & Moore, Sp'r—25.

And those who voted in the negative are,

Messrs Beckes, Boon, Bullock, Burnett, Claypool, Craig, Dickson Fitzgerald, Gray, Hays, Hurst, Johnson of P., Johnston of K., Ketcham, Lemon, Long, Lewis of F., McKinney, Matlock, Morgan, Morris, Piercy, Restine, Slaughter, Spann, Test and Wilson—27.

And so said motion was decided in the negative.

A message from the Governor, by W. W. Wick.

Mr Speaker,

I am directed by the Governor, to announce to the House of Representatives, that "an act authorizing Alexander Devin, Robert Milburn and Samuel Hall, to convey a lot therein named," and "an act to legalize certain acts of William W. Kennedy, late recorder of Vermillion county;" each of which originated in this House, have, on this day, received his approbation and signature.

Mr. Hanna presented the following resolution for the consideration of the House, to wit:

Resolved, That a select committee be appointed to enquire into the expediency of declaring the Mississinewa river a navigable stream from its mouth to Mashuc Luallen's mill in Randolph county; with leave to report by bill or otherwise.

When,

Mr. Claypool moved to amend the same, by striking out the words "navigable stream," and inserting the words "public highway;" which was decided in the negative.

Said resolution was then adopted by the House.

Mr. Little presented the following resolution, to wit:

Resolved, That a committee be appointed to enquire into the expediency of having the laws of the present General Assembly bound in blue paper, and to ascertain what price said binding would cost, and report the same to this House.

Mr. Johnston of K. moved to amend said resolution, by striking out the words "blue paper," and inserting the word "boards," in lieu thereof; which was decided in the negative.

On the question to adopt said resolution, it was decided in the negative.

Mr. Hoover, after having obtained leave, presented a bill for the relief of the securities of Abraham Elliott, late collector of Wayne county; which was read the first time; when

Mr. Beckes moved to reject said bill; which was decided in the negative.

Said bill passed to a second reading to morrow.

The House proceeded to consider the orders of the day.

The bill to improve the breed of sheep was read a second time; when,

Mr. Boon moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Burnett, Chamberlin, Clendenin, Craig, Dickson, Ferris, Hays, Hillis, Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Long, Lewis of F., Martin, Matlock, Morgan, Piercy, Read, Restine, Roberts, Sargeant, Spann, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—35.

And those who voted in the negative are,

Messrs. Beckes, Claypool, Elliott, Fitzgerald, Hanna, Hoover, Hurst, Jackson of D., Little, Lewis of W., Lomax, McKinney, Marshall, Morris, Ray, Richardson, Slaughter and Stevens—18.

So said motion was carried in the affirmative.

The Bill to establish a state road in the counties therein named, And the joint resolution relative to Blackford's Reports, were read a second time and committed to a committee of the whole House on Monday next.

Mr. Lewis of W., from the joint committee for enrolled bills, reported—That they have compared the enrolled with the engrossed bill from the Senate, entitled an act for the benefit of the widow and heirs of Peter B. Wright deceased; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

The engrossed bill from the Senate entitled an act to repeal the act authorizing called sessions of the circuit courts, was read a third time as amended: When,

Mr. Bullock moved to postpone the further consideration thereof until to-morrow week; which was decided in the negative.

Mr. Hanna then moved to lay the same on the table ; which was also decided in the negative.

And on the question being put, Shall said bill pass? it was carried in the affirmative.

Ordered, That the clerk carry the same to the Senate and ask their concurrence in said amendment.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House again resolved itself into committee of the whole, on the bill of this House, to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace ; and the engrossed bill from the Senate, entitled an act extending the jurisdiction of justices of the peace in civil actions, and prescribing certain duties required of them : and after some time spent therein, the Speaker resumed the chair, and Mr. Hillis reported the first named bill with several amendments, and the last named bill without amendment.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JANUARY 6, 1827.

The House met pursuant to adjournment.

A message from the Senate by Mr. Ray, their Enrolling Secretary:

Mr. Speaker,

I am directed by the Senate, to inform the House of Representatives, that they have passed a bill entitled, An act to amend an act to provide for the partition of real estate, approved January, 1824 ; in which they desire the concurrence of the House of Representatives.

Said bill was read the first time, and passed to a second reading on Monday next.

Mr. Morgan presented a remonstrance of Hiram Smith and others, citizens of Franklin, Decatur, Bar-

tholomew, Shelby, Johnson and Monroe counties, against a change of the state road from Stipp's hill to Bloomington; which was referred to the same committee of the whole House, to which was committed the bill and sundry petitions on that subject.

Mr. Hays presented a petition of sundry citizens of Parke, Putnam and Vermillion counties, praying the formation of a new county, out of the bounds of the aforesaid counties; which was referred to a select committee.

Ordered, That Messrs. Hays, Daniel and Ray be that committee.

Mr. Morgan presented a petition of John T. Osborn and associates; and also, a petition of Livingston Dunlap and others of Indianapolis, praying the agent of the state, for the town of Indianapolis, may be authorized to sell at private sale, to the said Osborn and associates, a quantity of real estate adjacent to said town, on which to erect a grist and saw mill and carding machine, to be propelled by steam; which was referred to the committee on the affairs of the town of Indianapolis.

Mr. Hanna, from the select committee to which was referred a resolution of this House on that subject, reported a bill declaring the Mississinewa river a navigable stream; which was read the first time and passed to a second reading on Monday next.

Mr. Elliott, from the select committee to which was referred the petition of Thomas Reagan and others, of Wayne county, submitted the following report, to wit:

Mr. Speaker,

The select committee to whom was referred the petition of Thomas Reagan and others, on the subject of so locating the national road, as to pass through the village of Milton in the county of Wayne, have given the subject all the consideration which its importance merits, and are of opinion, such location would not only be conducive to the public good, but by doing away the necessity of one or two expensive bridges, would be a great saving of expense, in the construction of that beneficial work. They therefore respectfully recommend the General Assembly, to address a memorial to the secre-

tary of war, or such authority as may have the direction of that work, praying the location of such road, by the way of Milton.

Mr. Hoover moved to re-commit said report to the same committee, with leave to report thereon by memorial or otherwise; which was decided in the negative.

Mr. Lemon moved to lay the same on the table; which was also decided in the negative.

On the question to concur in said report, it was decided in the negative.

Mr. Hoover presented the following resolution, to wit:

Resolved, That the auditor of public accounts be, and he is hereby required to lay before this House, a statement of the balances in arrear, from the several collectors of the state revenue, together with the names of the delinquents thus in arrear, and how long, the counties where they collected, distinguishing between those against whom suits have been brought, and those against whom no steps have been taken, for the balances thus in arrear, and that the Clerk of this House, inform the auditor of this resolution.

And on the question to adopt said resolution, it was decided in the negative.

Mr. Long after having obtained leave, presented a bill for the relief of Thomas Wyatt; which was read the first time,

Whereupon,

Mr. Lewis of W. moved to reject said bill; which was decided in the negative.

Said bill passed to a second reading on Monday next.

Mr. Restine after having obtained leave, presented a bill to establish a state road from Indianapolis to Crawfordsville; which was read the first time; when,

Mr. Matlock moved to reject said bill; which was decided in the negative.

Said bill passed to a second reading on Monday next.

Mr. Long after having obtained leave, presented a bill for the re-location of the county seat of Madison

county, and for other purposes; which was read the first time; when,

Mr. Craig moved to reject said bill; which was decided in the negative.

Said bill passed to a second reading on Monday next.

The House proceeded to consider the orders of the day.

The bill for the relief of the securities of Abraham Elliott, late sheriff of Wayne county, was read a second time.

And on the question being put, Shall said bill be engrossed and read a third time on Monday next?

The same was decided in the negative.

And so said bill was rejected.

The bill to amend the act entitled, An act to incorporate the Whitewater canal company, approved January 21, 1826, was read a second time.

Mr. Craig moved to commit said bill to a committee of the whole house on Monday next; which was decided in the negative.

Mr. Elliott then moved to lay the same on the table; which was also decided in the negative.

Said bill was then ordered to be engrossed and read a third time on Monday next.

The engrossed bill for the benefit of persons leasing the school section in township No. 21, of range No. 7 west, in the year 1825—the bill to amend the act relative to salt springs in Orange county—and the engrossed bill to authorize the board of justices of Pike county, to appoint trustees to the Pike county library; were severally read a third time and passed.

Ordered, That the same be entitled Acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House proceeded to consider the bill to amend the act entitled, An act regulating the jurisdiction and duties of justices of the peace, of this House, and the amendments thereto made in committee of the whole, and the engrossed bill from the Senate, entitled An act extending the jurisdiction of justices of the peace in civil actions, and prescribing certain duties required of them.

When,

Mr. Sweetser moved to lay said bills on the table.

A division of the question being called for by Mr. Lomax, the question was then put, Shall the first named bill be laid on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Burnett, Ferris, Fitzgerald, Gray, Hoover, Hurst, Jackson of D., Ketcham, Lemon, Long, Lewis of W., Lomax, Matlock, Morgan, Morris, Piercy, Restine, Richardson, Sargeant, Slaughter, Spann, Stevens, Sweetser and Watts—26.

And those who voted in the negative are,

Messrs. Beckes, Boon, Brown, Bullock, Claypool, Clendenin, Craig, Dickson, Hanna, Hays, Jackson of V., Johnson of P., Johnston of K., Levenworth, Little, Lewis of F., Marshall, Martin, Ray, Read, Roberts, Test, Wallace, Wilson and Moore, Sp'r.—25.

And so said motion was carried in the affirmative.

The question recurring, Shall the second named bill be laid on the table? The same was also carried in the affirmative.

The Speaker laid before the House, the following communication from the Governor, to wit:

EXECUTIVE DEPARTMENT, }
INDIANA JANUARY 6th, 1827. }

Hon. Speaker of the House of Representatives:

SIR—In obedience to a resolution of the House, over which you have the honor to preside, I did on this day, transmit by mail, a correct copy of a resolution of the General Assembly of this state, now in session, relative to the lands reserved for the use of salt springs; and also, a resolution respecting certain lands in the vicinity of Indianapolis, to each of our Senators and Representatives in Congress.

Most respectfully I remain, Sir,

Your obedient servant,

J. BROWN RAY.

The House resolved itself into a committee of the whole, on the following bills, to wit: 1st, The bill to

extend a certain law therein named—2d, The bill to provide for recording marks and brands, and posting estrays, in the counties therein named—and 3d, The bill regulating the marks and brands of stock: And after some time spent therein—the Speaker resumed the Chair, and Mr. Sweetser reported each of said bills with amendments; which were read and concurred in by the House generally.

Ordered, That said bills be engrossed and read a third time on Monday next.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Johnston of K. moved to re-consider the vote of this morning, refusing to order to be engrossed the bill for the relief of the securities of Abraham Elliott, late sheriff of Wayne county; which was carried in the affirmative.

And the question being put, Shall said bill be engrossed and read a third time on Monday next? The same was carried in the affirmative.

The House resolved itself into a committee of the whole, on the bill to amend the act entitled, An act regulating the practice in suits at law: And after some time spent therein—the Speaker resumed the Chair, and Mr. Ferris reported the same with several amendments; which were read at the Clerk's table, and concurred in by the House generally.

Mr. Johnston of K. then moved further to amend said bill, by the addition of the following, as a sixth section, to wit:

The duties of the masters in chancery, shall be to take the attestation or oath, of all bills and answers in chancery, to which an oath is necessary; to take depositions and administer oaths to witnesses; to strike the balance of accounts which may be in controversy. and shall take and certify the acknowledgements of deeds and conveyances, as fully to all intents and purposes, as if taken and certified by the recorder, judge or justice of the peace. The 32d section of an act regulating the

practice in chancery, approved January 28th, 1824, be and the same is hereby repealed ; which was carried in the affirmative.

Mr. Gray then moved further to amend said bill by striking out that part of the 5th section which proposes to repeal the 8th section of an act, entitled an act amendatory of the law, and for the better advancement of justice.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Burnett, Chamberlin, Clendenin, Claypool, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnson of P., Ketcham, Long, Lewis of F., Lewis of W., Lomax, Martin, Morgan, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Slaught-er, Spann, Sweetser, Test, Watts, Work and Moore, Sp'r.—39.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Bullock, Craig, Daniel, Hurst, Johnston of K., Lemon, Levenworth, Little, M'Kinney, Marshall, Morris, Ray, Stevens, Wallace and Wilson—17.

And so said motion was carried in the affirmative.

Ordered, That said bill be engrossed as amended and read a third time on Monday next.

The House resolved itself into a committee of the whole on the bill for the relief of Robert Taylor jr., and after some time spent therein, the Speaker resumed the chair, and Mr. Ally reported said bill with one amendment ; which was read and concurred in by the House.

Mr. Johnston of K., then moved to amend said bill by striking it out from its enacting clause ; said bill extends to Robert Taylor and all others, who have forfeited their lots in the town of Indianapolis, for non-payment of the purchase money, the provisions of an act of last year, for the relief of purchasers of lots in said town, and which act has expired by its limitation.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Burnett, Claypool, Craig, Elliott, Jackson of D., Johnston of K., Lewis of W., Sweetser and Test—10.

And those who voted in the negative are,

Messrs. Ally, Boon, Brown, Bullock, Chamberlin, Clendenin, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of V., Johnson of P., Ketcham, Levenworth, Little, Long, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Wallace, Watts, Wilson, Work and Moore, Sp'r.—44.

And so said motion was decided in the negative.

Ordered, That said bill be engrossed and read a third time on Monday next.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, JANUARY 8, 1827.

The House met pursuant to adjournment.

Mr. Ferris, from the committee of ways and means, to which was referred a resolution of this House, on that subject, reported a bill to provide for contracting with a public printer, and for printing the laws and journals of the present session; which was read the first time and passed to a second reading to-morrow.

Mr. Hanna, from the select committee, to whom was referred the petition of Joseph Moffatt and others of Randolph county, reported a bill to authorize the trustees of township No. 20, and range No. 14 east of the principal meridian line in Randolph county, to lease the school section of said township; which was read the first time and passed to a second reading to-morrow.

Mr. Richardson presented the following resolution, to wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, for the circuit court to be holden in each and every county three times in a year, and fix the times for the sitting thereof. And,

On motion of Mr. Boon,

The same was ordered to lie on the table.

Mr. Wilson moved to take up the bill of this House, to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace; which was decided in the negative.

The House proceeded to consider the orders of the day.

The bill to establish a state road from Indianapolis to Crawfordsville, was read a second time and committed to the same committee of the whole House, to which was committed a bill locating a state road from Greensburgh to Centreville.

The bill declaring the Mississinewa river navigable and a public highway, was read a second time and ordered to be engrossed and read a third time to-morrow.

The bill for re-locating the seat of justice of Madison county and for other purposes, was read a second time:

When,

Mr. Lomax moved to postpone the further consideration thereof indefinitely; which was carried in the affirmative.

The bill for the relief of Thomas Wyatt; and the engrossed bill from the Senate entitled an act to amend the act to provide for the partition of real estate, approved January 2d, 1824; were read a second time and committed to a committee of the whole House for to-morrow.

The engrossed bill to extend a certain law therein named, was read a third time and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill to provide for recording brands,

ear marks and posting estrays in the counties therein named, was read a third time.

The question being put, Shall said bill pass?

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Chamberlin, Claypool, Craig, Dickson, Ferris, Gray, Hanna, Hillis, Hoover, Hawk, Jackson of D., Jackson of V., Ketcham, Levenworth, Little, Long, Lewis of F., Lewis of W. Lomax, M'Kinney, Marshall, Matlock, Morgan, Ray, Restine, Richardson, Sargeant, Slaughter, Stevens, Sweetser, Test, Watts, Work and Moore, Sp'r.—39.

And those who voted in the negative are,

Messrs. Beckes, Burnett, Clendenin, Daniel, Johnson of P., Johnston of K., Lemon, Martin, Morris, Piercy, Read, Roberts, Wallace and Wilson—14.

And so said bill passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Brown moved to discharge the committee of the whole House, to whom was committed the bill re-attaching part of the county of Union, to the county of Franklin, from the further consideration thereof; which was carried in the affirmative.

Mr. Brown then moved the adoption of the following resolution, to wit:

Resolved, That said bill be re-committed to a select committee, with instruction to amend said bill by establishing a line between the counties of Franklin and Union, reserving and allowing to said county of Franklin, the full content of four hundred square miles.

Mr. Lewis of W. moved to amend said resolution, by adding at the end thereof, the words following, "of original territory;" which was decided in the negative.

And on the question to adopt said resolution, it was decided in the negative.

Mr. Brown then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Bullock, Claypool, Craig, Ferris, Gray, Hawk, Jackson of V., Johnson of P., Lemon, Little, Martin, Matlock, Morgan, Pierce, Ray, Restine, Sargeant, Spann, Test and Work—22.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Chamberlin, Clendenin, Dickson, Hays, Hoover, Hurst, Jackson of D., Johnston of K., Ketcham, Levenworth, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Morris, Richardson, Roberts, Slaughter, Stevens, Sweetser, Wallace, Watts, Wilson and Moore, Sp'r.—29.

And so said motion was decided in the negative.

Mr. Brown then moved to postpone the further consideration of said bill, until the first Monday in December next; which was also decided in the negative.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Little moved to take up the bill of this House, to amend the act entitled, An act regulating the jurisdiction and duties of justices of the peace; which was carried in the affirmative.

The House concurred in the 1st, 2d, 3d, 4th, 6th, 7th, 8th and 9th amendments made to said bill, in committee of the whole on Saturday last.

The question being put, Will the House concur in the 5th amendment to said bill; which was by the addition of the following, as a sixth section thereto, to wit?

SEC. 6. In all cases of riots, routs, affrays, unlawful assemblies, or breaches of the peace, it shall be lawful and is hereby made the duty of justices of the peace in their respective counties, within this state, on view or complaint upon oath, to cause such person or persons engaged in such riot, rout, affray, unlawful assembly or breach of the peace,

to be forthwith arrested and brought before him at or near the place, as may be, and shall thereupon direct a constable to summon a jury to consist of twelve disinterested men possessing the qualifications of electors, to be summoned, empannelled, and sworn, true inquiry to make into such or any one of the above named breaches of the peace, of which the person or persons so arrested shall stand charged, and verdict give according to evidence; and if any person or persons so arrested shall on the trial be found guilty, he or they and each of them, shall be fined in any sum not exceeding twenty dollars, to be assessed by the jury, and found in the verdict and returned to the said justice who shall give judgment thereon for the amount of such fine; and that the defendant or defendants stand committed until such fine, together with the costs of prosecution be paid. The trial shall be conducted in all respects as in other cases herein provided for. It shall be the duty of the sheriffs or under sheriffs in their respective counties, and the constables in their townships to aid and assist in carrying this law into effect, by arresting all persons guilty of the above offences, on being commanded by any justice, if the same shall have taken place within his view, or by virtue of process which shall or may be necessary to carry this section into complete effect: *Provided*, that all prosecutions, under this section, shall be commenced within thirty days after the same shall have taken place, nor shall any thing herein contained be so construed as to punish any person or persons twice for the same act: *And provided also*, that if it shall appear to the justice from his own view, or the complaint, or in the progress of any trial, had under the provisions of this section, that the offence has been of a high and aggravated nature, and that twenty dollars would be an inadequate punishment, then and in that case, it shall be the duty of such justice to recognize the defendant or defendants, (and if a jury shall have been empannelled to dismiss the same) to appear on the first day of the next term of the circuit court, to be holden in and for the said county, with one security at least, together with such witnesses as the nature of the case may require, conditioned, that such witness or witnesses shall attend on the first day of the court next to be holden, in said county, and give testimony in said case, and not depart without leave of the said court; and all recognizances thus taken shall be returned by the justice taking the same, into the said court in person, or be transmitted by him to the prosecuting attorney or clerk of the proper county, as soon as convenient, before the sitting of such court: *Provided also*, that nothing herein contained,

shall be so construed as to require the prosecuting attorney to attend to any prosecutions under the provisions of this act; which a justice of the peace is hereby authorized to hear and finally determine.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Dickson, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Martin, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—44.

And those who voted in the negative are,

Messrs. Beckes, Daniel, Gray, Hoover, Hawk, Hurst, Johnston of K., Ketcham, Lewis of W., Lomax, Marshall and Slaughter—12.

And so said amendment was concurred in by the House.

Mr. Richardson moved further to amend said bill, by striking out the 5th section thereof; which reads as follows, to wit:

“It shall be the duty of each and every justice of the peace, when it shall be made known to him, upon the oath of any person, or upon his own view, that any person or persons, is or are in any public street, alley, road or public square of any town of this state, using loud, indecent or immoral language or expressions, or is or are quarreling, or using menacing attitudes or gestures, so as to annoy, disturb or interrupt the peace, repose, quiet or lawful avocations of any citizen of this state, or the United States, it shall be the duty of such justice of the peace, forthwith to issue his warrant, and cause such offender or offenders, to be arrested and brought before him, and upon conviction thereof, assess severally upon each person so convicted, a fine not exceeding the sum of three dollars; which fines when so assessed, shall be collected agreeably to the provisions of the

79th and 80th sections of the act entitled, An act relative to crime and punishment.

Mr. Boon moved to amend said section, by striking out the words "or upon his own view" in the fourth line; which was decided in the negative.

Mr. Beckes moved to amend said section, by inserting at the end of the word "peace" in the second line, the words "at his discretion, should he deem it proper or necessary to the public good;" which was also decided in the negative.

Mr. Ray moved further to amend said section, by striking out the word "or" after the word loud, in the seventh line; which was carried in the affirmative.

Mr. Ally moved further to amend said section, by inserting the following words, after the word "states," to wit: "the justice shall require an oath of such informer, and upon such oath, the justice shall inquire whether the information was given through malice or ill will, and if it shall appear that the information was not through malice;" which was decided in the negative.

Mr. Test moved further to amend said section, by striking out the words "and immoral," in the seventh line; which was decided in the negative.

Mr. Morgan then moved to insert the following in lieu of the fifth section, when stricken out, to wit:

"That so much of the laws now in force, as makes it the duty of conservators of the peace, to fine persons for profane cursing or swearing, on their own view, without the information of any other person, be and the same are hereby repealed."

A division of the question being called for by Mr. Johnston of K., the question was taken on striking out said section, as proposed by Mr. Richardson.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Bullock, Burnett, Chamberlin, Claypool, Dickson, Fitzgerald, Hanna, Lemon, Long, Lewis of F., Martin, Morgan, Ray, Read, Richardson, Spann, Sweetser, Test and Work—21.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Clendenin, Craig, Daniel, Elliott, Ferris, Gray, Hays, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Lewis of W., Lomax, M'Kinney, Marshall, Matlock, Morris, Piercy, Restine, Roberts, Sargeant, Slaughter, Stevens, Wallace, Watts, Wilson and Moore, Sp'r—37.

And so said motion was decided in the negative.

Mr. Read moved to re commit said bill to a committee of the whole House to-morrow—to day, and also, two o'clock, P. M. was named.

A division of the question being called for, the question was taken on re committing said bill.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Burnett, Claypool, Howk, Lemon, Lewis of F., Lewis of W., Piercy, Read, Richardson, Slaughter, Spann and Sweetser—12.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Long, Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Ray, Restine, Roberts, Sargeant, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r—46.

And so said motion was decided in the negative.

Mr. Morgan then moved to lay said bill on the table.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The question recurring on the motion of Mr. Morgan, to lay on the table the bill to amend the act, entitled An act regulating the jurisdiction and duties of justices of the peace.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Brown, Chamberlin, Elliott, Ferris, Gray, Hanna, Jackson of D., Ketcham, Long, Lewis of W., Lomax, Morgan, Piercy, Restine, Richardson, Sargeant, Sweetser and Test—18.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Bullock, Burnett, Claypool, Clendenin, Craig, Daniel, Dickson, Fitzgerald, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of V., Johnson of P., Johnston of K., Lemon, Levenworth, Little, Lewis of F., M'Kinney, Marshall, Martin, Matlock, Ray, Roberts, Slaughter, Spann, Stevens, Wallace, Watts, Wilson, Work and Moore, Sp'r.—38.

So said bill was not laid on the table.

Mr. Boon moved further to amend said bill, by striking out all of the first section from the word "provided" in the ninth line, and inserting the following in lieu thereof, to wit:

"That nothing in this act shall be so construed, as to give to a justice of the peace, jurisdiction in any action or suit, for the recovery of damages for any trespass, wrong or injury done to, or committed against the real or personal estate, or person of another, where the damages claimed, shall exceed fifty dollars—nor in any case of trover and conversion, or detinue, where the damages claimed, shall exceed fifty dollars: *Provided further,* That a justice of the peace shall have no jurisdiction whatever, in any case where the title of land shall come in question, nor in actions of slander, malicious prosecution, abduction or seduction, nor the breach of marriage contracts."

A division of the question being called for, the question was taken on striking out.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Bullock, Chamberlin, Clendenin, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hawk, Hurst, Jackson of V., Johnson of P., Ketcham, Lemon, M'Kinney, Piercy, Ray, Richardson, Roberts, Slaughter, Spann, Stevens, Sweetser, Wallace, Wilson, Work and Moore, Sp'r.—29.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Burnett, Claypool, Craig,

Daniel, Elliott, Hays, Hillis, Hoover, Jackson of D., Johnston of K., Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Read, Restine, Sargeant, Test and Watts—29

And so said motion was decided in the negative.

Mr. Claypool moved further to amend said bill, by inserting before the word "slander" in the tenth line, the words following: "trespass, trover and detinue, the jurisdiction of justices of the peace, shall not exceed twenty dollars, and in actions;" which was decided in the negative.

Mr. Craig moved further to amend said bill, by the addition of the following as a proviso to the first section, to wit: "*And provided also*, That the circuit courts in the respective counties, shall have concurrent jurisdiction with the justices of the peace, where the amount claimed exclusive of interest and cost, exceeds fifty dollars."

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

And those who voted in the affirmative are,

Messrs. Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hoover, Hawk, Hurst, Jackson of D., Johnson of P., Johnston of K., Ketcham, Lemon, Little, Lewis of F., M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Wallace, Watts and Work—42.

And those who voted in the negative are,

Messrs. Ally, Bassett, Burnett, Elliott, Hays, Hillis, Jackson of V., Levenworth, Long, Lewis of W., Lomax, Stevens, Sweetser, Test, Wilson and Moore, Sp'r.—16.

And so said motion was carried in the affirmative, and the bill so amended.

Mr. Hurst moved further to amend said bill, by the addition of the following, as a second proviso to the first section, to wit: "*Provided further*, That in all cases of appeal from the judgment of a justice of the peace to the circuit court, where the sum exceeds fifty dollars exclusive of interest and cost, an appeal shall be granted from the circuit court to the supreme court, in the same manner as appeals are now granted from the circuit court to the supreme court, or that a writ of error

may issue, as in other cases from the circuit court to the supreme court, and under the same rules and restrictions, as writs of error are now granted from the circuit court to the supreme court."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Bullock, Chamberlin, Claypool, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of V., Lemon, Little, Lewis of F., M'Kinney, Morgan, Morris, Piercy, Richardson, Slaughter, Spann, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r.—33.

And those who voted in the negative are,

Messrs. Ally, Beckes, Brown, Burnett, Clendenin, Elliott, Jackson of D., Johnson of P., Johnston of K., Ketcham, Levenworth, Long, Lewis of W., Lomax, Marshall, Martin, Matlock, Ray, Read, Restine, Roberts, Sargeant, Stevens and Wilson—24.

And so said motion was carried in the affirmative, and the bill so amended.

Mr. Lemon proposed a further amendment to said bill, and debate arising thereon, Mr. Beckes called for the previous question, and the call being seconded by three members, the said previous question was put, in the form prescribed by the rules of the House, that is to say, Shall the main question be now put? And it passed in the affirmative.

The said main question, to wit: Shall the said bill be engrossed and read a third time to-morrow? was then put, and passed in the affirmative.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Levenworth, Little, Long, Lewis of F., M'Kinney, Marshall, Martin, Morgan, Mor-

ris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spanu, Stevens, Test, Wallace, Watts and Work—46.

And those who voted in the negative are,

Messrs. Bassett, Burnett, Gray, Hawk, Ketcham, Lemon, Lewis of W., Lomax, Matlock, Sweetser, Wilson and Moore, Sp'r.—12.

And so said bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Ferris moved to take up the engrossed bill from the Senate, entitled an act extending the jurisdiction of justices of the peace in civil actions, and requiring certain duties to be performed by them.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Bullock, Burnett, Ferris, Gray, Hawk, Hurst, Ketcham, Lemon, Lewis of W., Lomax, Matlock, Piercy, Read, Slaughter, Sweetser, Test, Watts and Work—20.

And those who voted in the negative are,

Messrs. Beckes, Boon, Brown, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Fitzgerald, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Levenworth, Little, Long, Lewis of F., M'Kinney, Marshall, Martin, Morgan, Morris, Ray, Restine, Richardson, Roberts, Sargeant, Spanu, Stevens, Wallace, Wilson and Moore, Sp'r.—38.

And so said motion was decided in the negative.

The engrossed bill regulating the marks and brands of stock—the engrossed bill for the relief of the securities of Abraham Elliott, late sheriff of Wayne county—and the engrossed bill to amend the act entitled An act regulating the practice in suits at law, were severally read a third time and passed.

Ordered, That the same be entitled Acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill for the relief of Robert Taylor, junior, was read a third time.

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members; the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Chamberlin, Clendenin, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanua, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Wallace, Watts, Wilson, Work and Moore, Sp'r.
—45.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Burnett, Claypool, Craig, Elliott, Jackson of D., Johnston of K., Lewis of W., Richardson, Sweetser and Test—12.

And so said bill passed.

The title of said bill was amended by the addition of the words "and others."

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill to enable the citizens of Vigo county, to appropriate their road fund to the removal of stagnant waters, within said county: and after some time spent therein—the Speaker resumed the Chair, and Mr. Bassett reported said bill with one amendment; which was concurred in by the House.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill to amend the act entitled, An act incorporating congressional townships, and providing for public schools therein, approved January 31, 1824; and also, the act to amend the same, approved February 12, 1825: and after some time spent therein—the

Speaker resumed the Chair, and Mr. Beckes reported the same with one amendment; which was concurred in by the House.

Mr. Lewis of W. from the joint committee for enrolled bills reported—That they did on this day present to his Excellency the Governor, for his approval and signature, enrolled bills of the following titles, to wit:

An act appointing commissioners to re-locate the seat of justice of Crawford county.

And an act supplemental to the several acts declaring Blue river a public highway.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 9, 1827.

The House met pursuant to adjournment.

Mr. Long presented sundry documents on the subject of the petition of Thomas Wyatt; which were referred to the same committee of the whole to which was referred a bill for his relief.

Mr. Stevens, from the judiciary committee, submitted the following report, to wit:

Mr. Speaker,

Your committee on the judiciary to whom was referred a resolution of the House of Representatives, directing them to inquire into the expediency of creating one or more judicial circuits, and the expediency of increasing the number of terms of the circuit courts per year, have had the same under their consideration and have directed me to report—That it is not absolutely necessary to increase the number of judicial circuits at this time, and that unless the number of judicial circuits be increased, it is not only inexpedient but impracticable to increase the number of terms of the circuit courts. Therefore, your committee deem it inexpedient at this time, to either increase the number of judicial circuits or

to increase the number of terms of the circuit courts; which report was concurred in by the House.

Mr. Hillis, from the committee on the affairs of the town of Indianapolis to which was referred the report of the agent of the state, and of the select committee on that subject, reported a bill for the relief of Asahel Dunning; which was read and passed to a second reading to-morrow.

Mr. Wallace, from the committee on roads, submitted the following report, to wit:

Mr. Speaker,

The committee on roads to whom was referred the petition of William Curry and others, citizens of Montgomery county, praying the alteration of a certain state road therein named, have had the same under their consideration and have directed me to report—That in their opinion, the laws of the land as administered in the ordinary courts of justice, are amply sufficient to furnish them with redress for any grievances complained of in said petition, they therefore ask to be discharged from the further consideration of the same; which report was concurred in by the House.

Mr. Fitzgerald submitted the following report, to wit:

Mr. Speaker,

The select committee to whom was referred the petition for the relief of John Darby, have directed me to report—That in their opinion, the legal right to the land in question, is vested in the heirs of the decedent, from whom a better title can be derived than from any legislative enactment, and that it is therefore inexpedient to legislate on that subject; which report was concurred in by the House.

Mr. Hays submitted the following report, to wit:

Mr. Speaker,

The committee to whom was referred the petition of sundry inhabitants of Fountain, Vermillion and Parke counties, report—That they have had the same under consideration, and after deliberately examining the map and local boundaries of the three counties, do believe that it would have been much to the interest of the in-

habitants of the three counties, viz : Parke, Vermillion and Fountain, if the local boundaries of said counties had been originally designated as now prayed for by the petitioners. But your committee think that it would be unjust at the present moment to grant the re organization prayed for, because your committee are of the opinion, that all parties interested in said contemplated alteration should be fairly heard. and as there only appears before your committee 226 petitioners. and the three counties immediately concerned in the contemplated alteration of their local boundaries. contains upwards of 1300 inhabitants, leaving a surplus of 964 inhabitants unheard from. Your committee therefore recommend that said petition lay upon the table until the first Monday of December next, when all parties may be heard ; which being read was concurred in by the House.

Mr. Sweetser, from the select committee to whom was referred the memorial of Messrs. Way and Gideon and Jonathan Elliott of Washington City, and the committee of the Pennsylvania society, for the promotion of internal improvement, and the report of the librarian of the state library, reported a joint resolution relative to the state library ; which was read the first time and passed to a second reading to morrow.

Mr. McKinney, from the select committee to whom was referred the petition of John M. Wilson, reported a bill for his relief ; which was read the first time:

When,

Mr. Beckes moved to reject said bill ; which was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Morris moved to take up the report of the committee on claims, relative to the claim of L. Basye ; which was carried in the affirmative. And,

On motion of Mr. Morris,

Said report together with the accompanying documents, were referred to the committee of ways and means.

Mr. Ketcham presented the following resolution for the consideration of the House, to wit:

Resolved, That this House adopt the following rule,

meet at 9 o'clock A. M., adjourn at 12, meet at 2 o'clock P. M., adjourn at half past 4 P. M., meet at 6 P. M., and adjourn at 9 P. M.

Which being read,

Mr. Boon moved to lay said resolution on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Burnett, Craig, Daniel, Fitzgerald, Gray, Hoover, Hawk, Hurst, Jackson of V., Johnston of K., Lemon, Long, Lewis of F., Lewis of W., M'Kinney, Marshall, Morgan, Morris, Ray, Read, Richardson, Slaughter, Spann, Stevens, Test, Watts, Wilson, Work and Moore, Sp'r.—31.

And those who voted in the negative are,

Messrs. Ally, Beckes, Brown, Bullock, Chamberlin, Claypool, Clendenin, Dickson, Elliott, Ferris, Hanna, Hays, Jackson of D., Johnson of P., Ketcham, Levenworth, Little, Lomax, Martin, Matlock, Piercy, Restine, Roberts, Sargeant, Sweetser and Wallace—26.

And so said motion was carried in the affirmative.

Mr. Fess after having obtained leave, presented a bill authorizing the boards of justices of certain counties, to remove obstructions in certain water courses; which, was read the first time, and passed to a second reading to-morrow.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed an engrossed bill of the House of Representatives, entitled An act for the benefit of persons who have, or are likely to suffer, by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the sixth of March, 1826, without amendment.

They have also passed the following engrossed bills, entitled Acts, viz:

An act concerning the seminary townships of land, in Gibson and Monroe counties.

An act to amend an act, entitled An act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses or masonic lodges, approved January 7, 1824.

An act to repeal part of an act entitled, an act to amend an act entitled, An act for opening public roads and highways, approved February 12, 1825.

And an act to amend an act, entitled An act for the incorporation of county libraries, approved January 28, 1824; in all of which they ask the concurrence of the House of Representatives.

Said bills were severally read the first time, and passed to a second reading to-morrow.

A message from the Governor was received by William W. Wick:

Mr. Speaker,

I am instructed by the Governor, to announce to the House of Representatives, that on this day (January 9th) An act supplemental to the several acts declaring Blue river a public highway, and An act appointing commissioners to re locate the seat of justice of Crawford county; each of which originated in this House, have received his approbation and signature.

The House proceeded to consider the orders of the day.

The bill to authorize the trustees of township number twenty, in range number fourteen, east of the principal meridian line, in Randolph county, to lease the school section in said township, was read a second time and ordered to lie on the table.

The bill to provide for contracting with a public printer, and for printing and distributing of the laws and journals of the present General Assembly, was read a second time and committed to a committee of the whole House to morrow.

The engrossed bill to amend the act entitled An act to incorporate the Whitewater canal company, was read a third time; when,

Mr. Elliott moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Burnett, Craig, Elliott, Hoover, Martin and Sweetser—6.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Howk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—50.

And so said motion was decided in the negative.

And on the question being put, Shall said bill pass? It was decided in the affirmative.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill to enable the citizens of Vigo county, to appropriate their road fund to the removal of stagnant waters in said county—and the engrossed bill declaring the Mississinewa river navigable, and a public highway, were read a third time and passed.

Ordered, That the same be entitled Acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill re-attaching a part of the county of Union, to the county of Franklin, was read a third time. And,

On motion of Mr. Brown,

Said bill was re-committed to a committee of the whole House, and made the order of the day for this day at two o'clock, P. M.

The House resolved itself into a committee of the whole, on the bill to amend the act entitled, An act relative to crime and punishment, and the bill defining

petit larceny and the punishment thereof, and for other purposes: And after some time spent therein—the Speaker resumed the chair, and Mr. Boon reported progress, and asked leave to sit again; which leave was accordingly granted by the House.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House again resolved itself into a committee of the whole, on the bill to amend the act, entitled An act relative to crime and punishment, and the bill defining petit larceny and the punishment thereof, and for other purposes: And after some time spent therein—the Speaker resumed the chair, and Mr. Boon reported the first named bill with sundry amendments, and the second named bill with one amendment, which was by striking it out from its enacting clause.

The House concurred in the 1st, 3d, 5th, 6th and 8th amendments to said bill.

And the question being put, will the House concur in the 2d amendment? Which were adopted as sections to said Bill, and reads in the words following, to wit:

“That every person or persons, who shall hereafter steal, take carry or drive away the personal goods of another, to the value of five dollars or less, shall be deemed guilty of petit larceny, and shall receive not more than twenty stripes upon his bare back, (if a male) and if a female, be confined in the jail of the proper county, not exceeding twenty days, at the discretion of the jury.

SEC. *And be it further enacted,* That if any person or persons, shall unlawfully in the night time, take and carry away fruit from any orchard, garden or other inclosure; whether such fruit had been previously severed from the tree, plant or vine on which it had grown or not, he she or they shall be punished by fine not exceeding \$50, before any court having competent jurisdiction.

And the ayes and noes being required thereon by two members the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Burnett, Claypool, Clendenin, Daniel, Elliott, Ferris, Jackson of D., Johnson of P., Ketcham, Little, Lewis of W., Lomax, Martin, Matlock, Piercy, Ray,

Restine, Roberts, Sargeant, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r.—27.

And those who voted in the negative are,

Messrs. Ally, Bassett, Bullock, Chamberlin, Craig, Dickson, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnston of K., Lemon, Levenworth, Long, Lewis of F., M'Kinney, Marshall, Morgan, Read, Spann, Stevens, and Wilson—27.

And so said amendment was not concurred in by the House.

And the question being put, will the House concur in the fourth amendment, which was by adding the following as a section thereto, to wit:

“Every person who shall maliciously or mischievously destroy or injure, or cause to be destroyed or injured the orchard or fruit trees of any person, shall upon conviction thereof be fined two fold the value of the property so destroyed or the damage done, and be imprisoned in the state prison not less than one nor more than ten years.”

And the ayes and noes being demanded thereon by two members the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Chamberlin, Dickson, Elliott, Ferris, Hanna, Jackson of V., Johnson of P., Ketcham, Levenworth, Lewis of W., Lomax, Martin, Matlock, Piercy, Restine, Roberts, Sargeant, Slaughter, Sweetser, and Moore, Sp'r—21.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Bullock, Burnett, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hays, Hillis, Hoover, Howk, Hurst, Jackson of D., Johnston of K., Lemon, Little, Long, Lewis of F., M'Kinney, Marshall, Morgan, Morris, Ray, Read, Spann, Stevens, Test, Wallace, Watts, Wilson and Work—35

So said amendment was not concurred in by the House:

And on the question being put, will the House concur in the seventh amendment which was by striking out the third section of said bill, which reads as follows:

“Every person who may be convicted of any offence and sentenced to imprisonment at hard labour in the state prison, and shall not on or before the expiration of such imprisonment pay and satisfy the fine assessed against him, if any be assessed, and all the expenses which accrued in carrying such convict to the state prison, and all the costs and expenses

of prosecution and conviction, in the court where such convict may have been convicted, such convict shall be confined at hard labour in said prison after the period for which such convict was sentenced to confinement may have expired, at the rate of twenty-five cents per day, until the whole amount of such cost, fine and expenses are fully paid and satisfied. And the superintendent of the state prison, and his securities are hereby made liable to pay over to the state treasurer, the amount of the costs and expenses of conveying such convict to prison, and to pay over to the clerk of the circuit court, of the county where such convict may have been convicted, the amount of the fine, and the costs, charges and expenses of the prosecution and conviction, so soon as the same shall be worked out as aforesaid, or so soon as the same shall be paid to the superintendent, provided the convict shall see proper to pay the same instead of working it out as aforesaid.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Hanna, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Lemon, Little, Marshall, Martin, Morris, Morgan, Piercy, Ray, Roberts, Slaughter, Sweetser, Test, Wallace, and Work—32.

And those who voted in the negative are,

Messrs. Ally, Burnett, Claypool, Clendenin, Craig, Gray, Hays, Jackson of D., Johnston of K., Ketcham, Levenworth, Long, Lewis of F., Lewis of W., Lomax, McKinney, Matlock, Read Restine, Sargeant, Spann, Stevens, Watts, Wilson and Moore, Sp'r.—25.

And so said amendment was concurred in by the House.

Mr. Claypool moved further to amend said bill, by adding the following as an additional section thereto, to wit:

“That every person or persons, who shall hereafter steal, take, carry or drive away the personal goods of another, to the value of five dollars or less, shall be deemed guilty of petit larceny, and he, she or they so offending, their aiders or abettors, knowing of and privy to the offences aforesaid, on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, confined

in the county jail not exceeding ten days, and disqualified from voting at any election, serving on any jury, or giving testimony in any court of judicature within this state, for two years after conviction, or either or all these several punishments or disqualifications, at the discretion of the jury for the first offence, and for the second offence, shall be punished agreeably to the provisions of the sixth section of an act, entitled An act relative to crimes and punishment, approved January 20, 1824.

Mr. Sweetser then moved to amend the amendment, by striking out the same from the word "and" in the 4th line, to the end of the section, and insert the following in lieu thereof: "Shall receive not more than twenty stripes upon his bare back, if a male, and if a female be confined in the jail of the proper county, not exceeding twenty days at the discretion of the jury."

Mr. Beckes then moved to lay said bill and proposed amendments on the table; which was decided in the negative.

Mr. Stevens then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Chamberlin, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hurst, Marshall, Martin, Read, Roberts, Sargeant, Slaughter, Stevens, Watts, Wilson, Work and Moore, sp'r.—18.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Claypool, Clendenin, Craig, Dickson, Elliott, Hays, Hillis, Hoover, Jackson of D., Jackson of V. Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Restine, Spann, Sweetser, Test and Wallace—38.

So said motion was decided in the negative.

A division of the question being called for by Mr.

Beckes, the question was taken on striking out, as proposed by Mr. Sweetser.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Boon, Bullock, Clendenin, Craig, Daniel, Ferris, Fitzgerald, Hanna, Hurst, Jackson of D., Jackson of V., Johnson of P., Long, Lewis of F., Lomax, Martin, Matlock, Morris, Percy, Richardson, Sargeant, Slaughter, Sweetser, Test, Wallace and Watts—27.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Burnett, Chamberlin, Claypool, Dickson, Elliott, Gray, Hays, Hillis, Hoover, Johnston of K., Ketcham, Levenworth, Little, Lewis of W., M'Kinney, Marshall, Morgan, Ray, Read, Restine, Spann, Stevens, Wilson, Work and Moore, Sp'r.—29.

So said motion was decided in the negative.

Mr. Lewis of W. moved to amend the amendment proposed by Mr. Claypool, by inserting the word "feloniously" after the word hereafter, in the first line; which was carried in the affirmative.

Mr. Ferris then moved to postpone the further consideration of said bill and proposed amendments, until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Burnett, Chamberlin, Daniel, Ferris, Fitzgerald, Hanna, Hurst, Jackson of D., Marshall, Read, Richardson, Roberts, Sargeant, Slaughter, Stevens, Sweetser, Watts, Wilson, Work and Moore. Sp'r.—20.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Claypool, Clendenin, Craig, Dickson, Elliott, Gray, Hays, Hillis, Hoover, Jackson of V., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin,

Matlock, Morgan, Morris, Piercy, Ray, Restine, Spann, Test and Wallace—34.

And so said motion was decided in the negative.

The question then recurring, Shall said bill be amended as proposed by Mr. Claypool?

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Burnett, Claypool, Clendenin, Daniel, Elliott, Hoover, Ketcham, Lemon, Levenworth, Long, Lewis of W., Lomax, M'Kinney, Matlock, Ray, Read Restine, and Richardson—21.

And those who voted in the negative are,

Messrs. Boon, Bullock, Chamberlin, Craig, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K, Little, Lewis of F., Marshall, Martin, Morgan, Morris, Piercy, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r—35.

And so said motion was decided in the negative.

Mr. Ray then moved further to amend said bill, by the addition of the following, as a section thereto, to wit:

“That hereafter each and every person or persons, that may be convicted and sentenced to imprisonment, in the county jail for any offence, under the provisions of this act or the act to which this is an amendment, such person or persons may discharge himself or themselves, from such imprisonment, by giving bond with approved security, to the acceptance of the jailor, payable to the state of Indiana, conditioned that he or they will without delay, work the number of days upon the public roads and highways, in the proper road district, where the offence was committed, equal to the number of days from which he or they may be sentenced to imprisonment in the county jail, and upon forfeiture of such bond or the condition thereof, a scire facias and judgment may be had, and execution issue, as in other cases of recognizance.”

This amendment being read, and debate arising thereon, Mr. Johnson of P. called for the previous

question, and being seconded by three members, the said previous question was put, in the form prescribed by the rules of the House, that is to say, Shall the main question be now put? And it passed in the affirmative.

The main question, to wit: Shall the said bill be engrossed and read a third time to-morrow? was then put, and passed in the affirmative.

The House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 10, 1827.

The House met pursuant to adjournment.

Mr. Morris presented a petition of Messrs. Smith and Bolton of Indianapolis, praying, that for the more speedy printing &c. distributing the laws and journals of the legislature, both printers in this place may be employed to print the same; which was committed to the same committee of the whole House, to which was committed the bill to provide for the contracting with a public printer, and for printing and distributing the laws and journals of the present session.

Mr. Morris presented a petition of John North of Marion county, praying to be divorced from his wife Tamer, late Tamer Mendenhall; which was read and ordered to lie on the table.

Mr. Morris also presented a petition of Jacob Whittinger and others of Marion county, praying permission to erect a mill dam on the west fork of White river; which was read and referred to a select committee.

Ordered, That Messrs. Morris, Roberts and Piercy, be that committee.

Mr. Wallace from the committee on roads, to whom was referred the petition of sundry citizens of Hendricks and Montgomery counties, reported a bill to establish a state road from Danville in Hendricks county, to Crawfordsville in Montgomery county; which was

read the first time and passed to a second reading tomorrow.

Mr. Hillis from the committee on the affairs of the town of Indianapolis, to whom was referred a petition of John T. Osborn and associates, reported a bill to authorize the sale of a site for a steam mill, at Indianapolis; which was read the first and second times, the rule having first been dispensed with, and committed to a committee of the whole House to morrow.

Mr. Lewis of W. from the joint committee on enrolled bills, reported—That they have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act to repeal an act, entitled “An act to authorize called sessions of the circuit courts.”

And, “An act for the benefit of persons, who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the Court House at Lawrenceburgh on the morning of the 6th of March 1826.” And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Roberts from the select committee to whom was referred the petition of James H. Johnson and others, reported a bill authorizing John Hammersly to erect a wing dam on the east fork of White River; which was read the first time and passed to a second reading tomorrow.

Mr. Ally moved to take up the resolution heretofore offered by Mr. Stevens, relative to receiving no more new business after a certain period of this session; which was decided in the negative.

Mr Johnston of K. after having obtained leave, presented a bill respecting the state road from the Wabash, by the way of the High Banks on White river, to Indianapolis; which was read the first and second times, the rule having first been dispensed with. And,

On motion of Mr. Matlock,

Said bill was so amended as to give the commission-

ers one dollar and seventy-five cents per day, instead of two dollars.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The House proceeded to consider the orders of the day.

The House proceeded to consider the amendment made in committee of the whole, to the bill to amend the act incorporating congressional townships, and providing for public schools therein—approved January 31, 1824; and the act to amend the same—approved February 12, 1825.

And the House concurred therein.

Mr. Craig then moved to recommit said bill to a committee of the whole House now; which was carried in the affirmative.

The House according to order resolved itself into a committee of the whole, on said bill: And after some time spent therein—the Speaker resumed the chair, and Mr. Brown reported the same with several amendments; which were separately read and concurred in by the House.

Mr. Johnston of K. moved further to amend said bill, by the addition of the following, as an additional section, to wit:

“That so much of the thirteenth section of the act relative to county seminaries—approved January 31, 1824, as requires township trustees to give bond and security in the sum of two thousand dollars, be and the same is hereby repealed;” which was decided in the negative.

Mr. Ally moved further to amend said bill, by the addition of the following, as a proviso to the last section, to wit:

“*Provided however,* That nothing in this act shall be so construed, as to authorize any board of justices or township trustees, to carry this act into effect in any particular township, where the general expression of the township is against it;” which motion was decided in the negative.

Mr. Morgan moved further to amend said bill, by

striking out so much of the second section thereof, as repeals the fourth section of an act entitled, An act to amend an act entitled, an act incorporating congressional townships and providing for public schools therein, approved February 12, 1825.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

And those who voted in the affirmative are,

Messrs. Ally, Burnett, Chamberlin, Hays, Hillis, Johnson of P., Johnston of K., Matlock, Morgan, Morris, Test and Wilson—12.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Brown, Bullock, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Wallace, Watts, Work and Moore, Sp'r.—43.

And so said motion was decided in the negative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate, entitled An act to amend the act for the incorporation of county libraries, approved January 28, 1824, was read the second time and ordered to be read a third time to-morrow.

The engrossed bill from the Senate, entitled An act concerning the seminary townships of land, in Gibson and Monroe counties, was read a second time; when,

Mr. Levenworth moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being demanded thereon by two members the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Bullock, Chamberlin, Clendenin, Dickson, Hillis, Hurst, Jackson of D., Jackson of V., Johnston of K., Levenworth, Piercy, Slaughter and Moore, Sp'r.—15.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Claypool, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hoover,

Howk, Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Ray, Read, Restine, Roberts, Sargeant, Spann, Stevens, Test, Wallace, Watts, Wilson and Work—40

And so said motion was decided in the negative.

Said bill was then committed to a committee of the whole House to-morrow.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Ketcham after having obtained leave, presented a bill legalizing certain contracts made by the agent of the reserved township in Monroe county; which was read the first, second and third times, the rule having first been dispensed with, and passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill from the Senate, entitled an act to repeal part of an act entitled, An act for opening public roads and highways, approved February 12, 1825, was read a second time and passed to a third reading to-morrow.

The engrossed bill from the Senate, entitled An act to amend the act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses or masonic lodges, approved January 7, 1824, was read a second time and passed to a third reading to-morrow.

The bill for the relief of Asahel Dunning, was read a second time; when,

Mr. Boon moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Elliott, Johnson of P., Johnston of K., Little, Lewis of W., Lomax, Matlock, Piercy, Read, Sargeant and Sweetser—13.

And those who voted in the negative are,

Messrs Basset, Beckes, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Ketcham, Lemon, Levenworth, Long, Lewis of F., M'Kinney, Marshall, Martin, Morgan, Morris, Ray, Restine, Roberts, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—44.

And so said motion was decided in the negative.

Said bill was then committed to a committee of the whole House on to-morrow.

The joint resolution relative to the state library, and the bill authorizing the board of justices in certain counties to remove obstructions in water courses, were read a second time and committed to a committee of the whole House to-morrow.

The bill for the relief of John M. Wilson, late sheriff and collector of Fayette county, was read a second time; when,

Mr. Sweetser moved to postpone the further consideration of said bill indefinitely; which was decided in the negative. And,

On motion of Mr. Beckes,

Said bill was ordered to lie on the table.

The engrossed bill to amend the act entitled, An act regulating the jurisdiction and duties of justices of the peace, was read a third time.

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Boon, Brown, Bullock, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace and Watts—48.

And those who voted in the negative are,
Messrs. Bassett, Burnett, Gray, Hanna, Howk, Lem-
on Work and Moore, Sp'r.—8.

And so said bill passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate concur in the amendment proposed by the House of Representatives, to the engrossed bill of the Senate, entitled an act to repeal an act entitled, An act to authorize called sessions of the circuit courts.

They have passed original engrossed bills of the following titles, viz:

An act to amend an act entitled, An act relative to crime and punishment, approved January 20, 1824.

And an act requiring the board of justices of Washington county, to fix on a place for holding circuit courts; in which they request the concurrence of the House of Representatives.

The first named bill was read the first time, and passed to a second reading to morrow.

The second named bill, to wit: the bill requiring the board of justices of Washington county, to fix on a place for holding circuit courts, was read three times, the rule having first been dispensed with, and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill to amend the act entitled, An act relative to crime and punishment, was read a third time;

When,

On motion of Mr. Gray,

The same was ordered to lie on the table.

The House resolved itself into a committee of the whole, on the bill directing the agent of the three per cent fund, to pay certain monies: And after some time spent therein—the Speaker resumed the Chair, and Mr. Bullock reported the same with one amendment, which was by striking it out from its enacting clause, which bill reads in the words following, to wit:

Be it enacted by the General Assembly of the state of Indiana, That the agent of the three per cent fund. be and he is hereby authorized and directed, to pay to James Vaughan the sum of \$35 25, for money expended, and services rendered as a commissioner to re locate a road from Lawrenceburgh to Indianapolis, and charge the same to the commissioners of said road, as a part of the specific sum appropriated to locate and open a state road from Lawrenceburgh to Indianapolis.

Sec. 2. The agent of the three per cent fund is hereby directed to pay to Thomas Townsend the sum of \$37,50 the amount allowed him by commissioners appointed to assess damages, for the passage of the state road through his apple orchard out of the money appropriated to the road from Lawrenceburgh to Indianapolis.

And the ayes and noes being required on concurring in said amendment, by two members, the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Burnett, Claypool, Dickson, Elliott, Fitzgerald, Hays, Hoover, Hawk, Hurst, Johnston of K, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., McKinney, Marshall, Matlock, Piercy, Ray, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Work and Moore, Sp'r.—35.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Chamberlin, Craig, Ferris, Gray, Hanna, Hillis, Jackson of D., Jackson of V., Johnson of P, Ketcham, Lomax, Martin, Morgan, Morris, Read, Restine and Watts—19.

And so said bill was concurred in by the House.

Mr Stevens moved to postpone the further consideration of said bill indefinitely, which was decided in the negative.

Mr. Morgan moved to lay the same on the table; which was also decided in the negative. And,

On motion of Mr. Sweetser, the further consideration of said bill was postponed until the first Monday in December next.

Mr. Watts moved to discharge the committee of the whole, to which was committed the bill to amend the act declaring certain streams therein named public highways, from the further consideration of the same; which was carried in the affirmative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill to establish a road from Crawfordsville, in Montgomery county, to Covington, in Fountain county; and after some time spent therein the Speaker resumed the Chair, and Mr. Burnett reported the same with one amendment; which was concurred in by the House.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill to provide for removing obstructions in the river Patoka; and after some time spent therein the Speaker resumed the Chair, and Mr. Chamberlin reported the same with one amendment; which was concurred in by the House.

Ordered, That the said bill be engrossed and read a third time to-morrow.

A message from the Senate, by Mr. Farnham their Assistant Secretary.

Mr Speaker,

The Senate has passed an engrossed bill, entitled an act legalizing certain contracts made by the the agent of the reserved township, in Monroe county, which originated in the House of Representatives without amendment.

Mr. McKinney moved to postpone the several orders of the day, which precede the bill reattaching a part of the county of Union to the county of Franklin, and take the same up; which was decided in the negative.

Mr. Lewis of W., from the joint committee for enrolled bills, reported—That they did on this day present to the Governor for his approval and signature, an enrolled bill entitled "An act for the benefit of the widow and heirs of Peter B. Wright deceased."

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled an act amending the act supplemental to an act, entitled An act defining the duties of recorders and pointing out the mode of conveying real estate—approved. February 12, 1825; and after some time spent thereon, the Speaker resumed the Chair, and Mr. Claypool reported the same with two amendments; which were read and concurred in by the House.

Mr. Beckes moved further to amend said bill by striking out the second section thereof; which reads as follows, to wit:

SEC. 2. Each and every recorder, making a thorough and complete index in manner aforesaid shall be entitled to such

compensation therefor as the board of county justices, or other persons doing county business may deem reasonable; which allowance, on being certified by the clerk of the said board, shall be paid by the county treasurer of the proper county.

And the ayes and noes being required thereon by two members, the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Boon, Brown, Claypool, Dickson, Elliott, Hays, Hoover, Jackson of V., Johnston of K., Levenworth, Lewis of F., M'Kinney, Martin, Matlock, Piercy, Ray, Read, Test and Wilson—21.

And those who voted in the negative are,

Messrs. Bassett, Burnett, Chamberlin, Clendenin, Craig, Ferris, Gray, Hanna, Hillis, Howk, Hurst, Jackson of D., Ketcham, Lemon, Little, Long, Lewis of W., Lomax, Marshall, Morgan, Morris, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Watts and Moore, Sp'r.—31.

And so said motion was decided in the negative.

Mr. Boon moved further to amend said bill, by the addition of the following as a proviso to the second section, to wit:

Provided, That such Recorder shall not be allowed more than four cents for each hundred words.

Mr. Johnston of K., moved that the House adjourn until to-morrow morning 9 o'clock; which was decided in the negative.

The question recurring on Mr. Boon's motion, the same was decided in the negative.

On motion of Mr. Johnston of K., said bill was amended by inserting the words, "or other writings" after the word "deed" in the first section.

Said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 11, 1827.

The House met pursuant to adjournment.

The Speaker laid before the House a report of the situation of the seminary fund, in the counties of Clark and Washington ; which was referred to the committee on education.

Mr. Lomax submitted the following report, to wit:

Mr. Speaker,

The select committee to whom was referred a resolution of this House, directing an inquiry to be made as to the number of square miles contained in the counties of Wayne and Henry, have had that subject under consideration, and have discovered that Wayne county contains 406 square miles, and Henry contains 387 square miles ; which was read and referred to the same committee of the whole House, to which was committed the bill to define the boundary line between Wayne and Henry counties.

Mr. Fitzgerald after having obtained leave, presented a bill for the benefit of decedents' estates ; which was twice read, the rule having first been dispensed with, and committed to the same committee of the whole House, to which was committed the bill for the appointment of a probate judge.

Mr. Levenworth after having obtained leave, presented a bill organizing a county library in Crawford county ; which was read and passed to a second reading to-morrow.

Mr. Boon moved to re-consider the vote, re-committing to a committee of the whole House, the engrossed bill re-attaching part of the county of Union, to the county of Franklin ; which was decided in the negative.

Mr. Beckes moved to postpone for the present, the several orders of the day, which precede the bill re-attaching part of the county of Union to the county of Franklin, and take the same up ; which was carried in the affirmative.

The House then resolved itself into a committee of the whole, on said bill: And after some time spent

therein—the Speaker resumed the chair, and Mr. Clendenin reported the same with one amendment; which reads in the words following, to wit:

“Provided however, That this act shall not take effect, until the qualified electors who reside on the said bounds, shall have met and expressed by vote, which of the two counties they are willing to remain in, for which purpose they shall have the privilege to meet at the dwelling house of Jacob Newkirk, on the first Monday in April next, and then and there, proceed to hold an election, which shall be conducted under the same laws now in force on the subject of general elections; and it shall be the duty of the board of justices in the county of Union, at their next March term, to appoint some suitable person, as inspector of said election, whose duty it shall be to give notice thereof by advertisement, in four of the most public places within said bounds, at least ten days before such election is held, and shall attend the same as inspector thereof; and if it should appear after counting the votes, that a majority of said electors are in favor of remaining attached to the county of Union, the present boundary line shall remain unalterable. It shall moreover be the duty of said inspector, to forward to the secretary of state, and to the clerks of the circuit courts of Franklin and Union, certified copies of the result of such election, which shall be filed in their offices, for the benefit of any person or persons, who may be concerned in the event of such election, and the inspector together with his clerks and judges, shall each receive such compensation for their services, as the board of justices of the proper county may allow.

And the ayes and noes being required on the question to concur therein, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally. Brown, Bullock, Claypool, Craig, Daniel. Ferris. Gray. Hanna, Hoover, Hawk, Jackson of D., Johnson of P., Lemon, Little. Long. Martin, Matlock, Morgan, Piercy, Ray. Restine, Richardson, Sargeant, Stevens and Work—26.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Burnett, Chamberlin, Clendenin, Dickson, Elliott, Hays, Hurst, Jackson of V., Johnston of K., Ketcham, Levenworth, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Morris, Read, Roberts, Slaughter, Spann, Sweetser, Wallace, Watts, Wilson and Moore. Sp'r.—29.

And so said amendment was not concurred in by the House.

The question being put. Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Chamberlin, Clendenin, Dickson, Elliott, Hays, Hoover, Hurst, Jackson of D., Jackson of V., Johnston of K., Ketcham, Levenworth, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Morris, Read, Restine, Roberts, Slaughter, Stevens, Sweetser, Wallace, Watts, Wilson and Moore. Sp'r.—30.

And those who voted in the negative are,

Messrs. Aily, Boon, Brown, Bullock, Burnett, Claypool, Craig, Daniel, Ferris, Gray, Hanna, Howk, Johnson of P., Lemon, Little, Long, Martin, Matlock, Morgan, Piercy, Ray, Richardson, Sargeant, Spann and Work.—25.

And so said bill passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

Mr. Bullock from the joint committee for enrolled bills, reported—That they have compared the following enrolled with the engrossed bill, to wit:

An act legalizing certain contracts made by the agent of the reserved township in Monroe county, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

And he reported further—That they did on this day present to the Governor, for his approval and signature,

An act to repeal an act, entitled “An act to authorize called sessions of the circuit courts.”

And, “An act for the benefit of persons, who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the Court House at Lawrenceburgh on the morning of the 6th of March 1826.”

The engrossed bill from the Senate, entitled An act to amend the act relative to crime and punishment—approved January 20, 1824, was read a second time and committed to a committee of the whole House to-morrow.

Mr. Gray moved to take up the bill of this House, on the same subject, and re-commit the same to said committee; which was decided in the negative.

The bill to authorize John Hammersly to erect a wing dam on White river, near Bono in Lawrence county, was read a second time and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Marshall, the House took up the bill authorizing Alexander Craig to erect a dam across the West Fork of White River, and ordered the same to be engrossed and read a third time to-morrow.

The bill to establish a certain state road therein named, was read a second time and committed to the same committee of the whole, to which was committed the bill to establish a state road from Greensburgh to Centreville.

The engrossed bill from the Senate, entitled an act supplemental to an act, entitled an act defining the duties of recorders and pointing out the mode of conveying real estate, approved February 12th 1825.

And the engrossed bill from the Senate, entitled an act to amend an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic logdes, approved January 7th 1824; were read a third time; the first as amended and passed.

Ordered, That the clerk inform the Senate thereof

and ask their concurrence in the amendments to the first named bill.

The engrossed bill from the senate, entitled an act to amend the act for opening and repairing public roads and highways, approved February 12th 1825, was read a third time, And

On motion of Mr. Sweetser,

The same was recommitted to a committee of the whole House this evening at 3 o'clock.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed bill from the Senate, to amend an act entitled "an act for the incorporation of county libraries, approved January 28th 1824."

The engrossed bill to provide for removing the obstructions in the river Patoka.

The engrossed bill to amend the act declaring certain streams therein named public highways. And,

The engrossed bill to establish a road from Crawfordsville in Montgomery county, to Covington in Fountain county;

Were severally read a third time and passed.

Ordered. That the same be entitled acts, and that the clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill to amend the act entitled "An act incorporating congressional townships and to provide for public schools therein, approved January 31. 1824, and also to amend the same, approved February 12th 1825," was read a third time:

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Ferris, Fitzgerald, Gray, Hanna, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P.

Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Work and Moore, Sp'r.—48.

And those who voted in the negative are,

Messrs. Burnett, Hays, Johnston of K., Morgan, Morris, Sweetser and Wilson—7.

And so said bill passed,

Ordered, That the same be entitled an act, and that the clerk carry the same to the Senate, and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill to raise the salary of the Agent of the state, for the town of Indianapolis: And after some time spent therein—the Speaker resumed the Chair, and Mr. Craig reported the same with two amendments; which was by filling the blank in said bill with two hundred dollars, (the annual salary of said agent,) and adding the words “this act to take effect and be in force from and after its passage.”

And the ayes and noes being required on the question to concur in said amendments, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Chamberlin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Lemon, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Morris, Ray, Restine, Richardson, Roberts, Sargeant, Slaughter, Stevens, Sweetser, Watts, Work and Moore, Sp'r.—35.

And those who voted in the negative are,

Messrs. Ally, Bullock, Burnett, Claypool, Clendenin, Dickson, Gray, Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Long, Matlock, Morgan, Piercy, Read, Spann, Test, Wallace and Wilson—21.

And so said amendments were concurred in by the House.

Said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Governor was received by William W. Wick, to wit:

Mr. Speaker,

I am directed by the Governor to announce to the House of Representatives, that on this day (January 11th) an act which originated in this House, entitled An act for the benefit of persons who have, or are like to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the sixth of March 1826, has received his approbation and signature.

The House resolved itself into a committee of the whole, on the bill regulating the manner of doing county business in certain counties therein named; and also, to elect township officers: After some time spent therein—the Speaker resumed the chair, and Mr. Daniel reported the same with several amendments; which were concurred in by the House generally.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled An act to repeal part of an act entitled, an act to amend an act entitled, An act for opening public roads and highways—approved February 12th 1825: After some time spent therein—the Speaker resumed the chair, and Mr. Elliott reported the same with several amendments.

The House concurred in the first and second amendments, and refused to concur in the third amendment thereto.

Mr. Stevens moved further to amend said bill, by striking out the proviso to section; which reads as follows, to wit:

“Provided also, That this act shall not be so construed, as to repeal any part or parts of the several acts relative to the lands of non-residents; which was carried in the affirmative.

Mr. Test moved further to amend said bill, by the addition of the following, after the first section, to wit:

Sec. 2. That the road tax on the lands of non-residents, shall be the same as that imposed upon the lands of residents ; which was decided in the negative.

Mr. Clendenin moved further to amend said bill, by the addition of the following as a proviso to the last section, to wit:

“Provided, That hereafter no citizen of this state, shall be considered a non-resident ;” which was decided in the negative.

Ordered, That the amendments to said bill be engrossed, and with said bill be read a third time to-morrow.

Mr. Lewis of W. from the joint committee for enrolled bills, reported—That they have compared the enrolled with the engrossed bill, entitled An act requiring the board of justices of Washington county, to fix on a place for holding circuit courts, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives, of the following titles, viz:

An act authorizing Henry Thornburgh and Henry Hoover, administrators of the estate of John Charles, deceased, to convey a certain water privilege.

An act declaring the Brushy Fork of Muscatituck, a public highway, and for other purposes.

An act to authorize the board of justices of Pike county, to appoint trustees of the Pike county library.

An act for the benefit of persons leasing the school section, in township 24, of range 7 west, in the year 1825. And,

An act declaring Salt creek a public highway, without amendment.

They have passed original bills entitled as follows:

An act establishing the eastern boundary of Henry county. And,

An act to repeal part of an act, entitled An act providing the mode of opening and repairing public roads and highways, in certain counties therein named—approved January 21, 1826.

They concur in the amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled An act amending the act supplemental to the act entitled, An act defining the duties of recorders, and pointing out the mode of conveying real estate—approved February 12th 1825.

Said bills from the Senate, were read the first time and passed to a second reading to-morrow.

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled An act authorizing Robert R. Roberts to keep a public ferry, on the West Fork of White river, in Owen county: After some time spent therein—the Speaker resumed the chair, and Mr. Ferris reported the same with two amendments.

Mr. Richardson then moved to postpone the further consideration of said bill indefinitely.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 12, 1827.

The House met pursuant to adjournment.

Mr. Bullock from the joint committee for enrolled bills, reported—that they did on yesterday present to his Excellency the Governor, for his approval and signature, An act legalizing certain contracts made by the agent of the reserved township in Monroe county; and also, An act requiring the board of county justices of Washington county, to fix on a place for holding the circuit courts.

Mr. Brown presented a petition of Henry Miller and

others, of Union county, praying the repeal of the law authorizing the location of a road from Centreville in Wayne county, to Liberty in Union county ; which was referred to a select committee.

Ordered, That Messrs. Brown, Marshall, Martin, Lomax and Hoover be that committee.

Mr. Morgan presented a remonstrance of Edward Springer and others of Johnson county, against any change in the bounds of said county ; which was referred to the same committee of the whole; to which was referred the bill on that subject.

Mr. Ketcham presented a petition of John W. Lee, late collector of Monroe county, praying he may be allowed the amount of a certain delinquent list, which has not been allowed him ; which was referred to the same committee of the whole. to which was referred the bill for the relief of John M. Wilson.

Mr. Hays presented a petition of sundry citizens of Parke, Vermillion and Fountain counties, praying an alteration in the bounds of said counties, and a remonstrance of sundry citizens of Vermillion county, against the same.

Mr. Hillis moved to re-consider the vote in concurring in the report made by Mr. Hays on the above subject, made on Tuesday last ; which was withdrawn.

And,

On motion of Mr. Restine,

Said petitions and remonstrance were ordered to lie on the table.

Mr. Long presented a petition of Harry Pearson and others, citizens of Madison county, praying the establishment of a certain state road therein named ; which was referred to the committee on roads.

Mr. Ferris from the committee of ways and means, submitted the following report, to wit:

Mr. Speaker,

The committee of ways and means, whose duty it has been made by the rules of this House, to inquire into the situation of the financial concerns of the state, have performed that duty as faithfully as the time allowed them, and the circumstances of their being mem-

bers of this House would permit; and as the result of their investigation, present the following statements, for the consideration of the House, to wit:

No. 1. Contains a statement of the assessment, and collection of the revenue for 1826.

No. 2. Contains a statement of the receipts and expenditures of the treasury for 1826.

No. 3. Contains a statement of arrearages due the state.

No. 4. Contains a statement of the situation of the treasury and public debt.

No. 5. Contains a statement of the estimated receipts and expenditures for 1827.

By a proper attention to the above named statements, it will be ascertained that there was on the 1st day of January 1827, a balance in favor of the treasury of \$33,857 52, of which amount \$31,747 21 consisted of actual cash in the treasury, and the balance in claims due for past years; while the prospects of demands on the treasury, in the ordinary operations of the government, cannot exceed \$25,000 00, leaving a balance in favor of the treasury (after all the expenses of the government is paid up to the close of the present year) of \$9,605 13; and should the present rate of assessment be continued, that there will be received in addition to the above from the taxes to be assessed for the present year, the sum of \$35,000 00; which added to the last named balance, would leave in the treasury on the 1st day of January 1828, to meet the expenses of that year, the sum of \$44,605 13; the expenses of which year in the ordinary operations of the government, should the succeeding legislature make two new circuits, cannot exceed the expenditures of the present year more than \$1,700 00; which added to the \$25,000 00 as estimated for the expenses of the present year, would make the sum of \$26,700 00; which last deducted from \$44,605 13, would leave a balance in favor of the treasury on the 1st day of January 1829, of \$17,905 13. From the foregoing statements, which your committee believe are founded on safe calculations, they have, after mature deliberation, determined to recommend a reduction in the

taxes for state purposes, so that hereafter there shall be assessed on land of the first quality, at the rate of 80 cents per hundred acres ; on lands of the second quality, at the rate of 60 cents per hundred acres , and on lands of the third quality, at the rate of 40 cents per hundred acres ; and that the poll tax be reduced to $37\frac{1}{2}$ cents per poll.

It is with peculiar satisfaction that the committee find the state of the treasury will justify them in recommending a reduction in the burthen of taxation, without impairing the credit of the state ; the whole amount of outstanding debts at this time consisting of \$169 treasury notes unredeemed and supposed to be lost.

The committee congratulate the General Assembly, and the citizens of the state generally, with the cheering prospects of an entire extinction of her public debt, and the expectation of being able in future (without any increase of taxation) to appropriate considerable sums for promoting benevolent institutions, and useful improvements. All of which are respectfully submitted.

EZRA FERRIS, *Chairman*.

Mr. Fitzgerald moved to lay said report and documents on the table ; which was decided in the negative.

The House then concurred therein.

Mr. Johnston of Knox moved that the public printer be directed to print twelve hundred copies of said report and documents ; which was carried in the affirmative.

Mr. Hurst, from the committee of ways and means, reported a bill making general appropriations for the year 1827 ; which was read the first time, and passed to a second reading to-morrow.

Mr. Morris presented a remonstrance of sundry citizens of Marion county, against the location of a state road from Indianapolis to Crawfordsville ; which was referred to the same committee of the whole House to which was committed the bill on that subject.

Mr. Hillis, from the committee on the affairs of the town of Indianapolis, to which was referred the petition of Thomas Chinn, reported a bill for his relief ; which was read the first time, and passed to a second reading to-morrow.

Mr. Lewis of W., from the joint committee for enrolled bills, reported as follows :

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled acts, to wit :

An act for the benefit of persons leasing the school section in township twenty one, of range seven west, in the year 1825.

An act declaring the Brushy Fork of Muscatituck a public highway, and for other purposes.

An act to authorize the board of justices of Pike county to appoint trustees of the Pike county library.

An act declaring Salt creek a public highway ; and

An act authorizing Henry Thornburgh and Henry Hoover, administrators of the estate of John Charles, deceased, to convey a certain water privilege, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered. That the clerk carry the same to the Senate for the signature of their President.

Mr. Morgan presented the following resolution, viz :

Resolved, That in the opinion of this House no state road ought to be authorized by the legislature, that is to be opened and kept in repair by authority of the several counties, as the law amply provides for that purpose.

Mr. Richardson moved to lay the same on the table ; which was decided in the negative.

And on the question to adopt said resolution, it was also decided in the negative.

Mr. Ally presented the following resolution, to wit :

Resolved, That this House instruct the committee on the judiciary to enquire into the expediency of memorializing congress, requesting congress to pass a law for the relief of the poor ; so that those that are not able to buy land shall have a small tract *free gratis* ; and that the Senate be informed thereof.

Mr. Lemon moved to lay said resolution on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Bassett, Brown, Claypool, Lemon; Richardson, Spann, Stevens, Test and Watts—9.

And those who voted in the negative are,

Messrs. Ally, Beckes, Boon, Bullock, Burnett, Chamberlin, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of D., Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Sweetser, Wallace, Work and Moore, Sp'r.—47.

And so said motion was decided in the negative.

Mr. Craig moved to amend said resolution so as to refer it to a select committee; which was decided in the negative.

Mr. Bassett then moved to postpone the further consideration of said resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Burnett, Chamberlin, Clendenin, Dickson, Fitzgerald, Hanna, Jackson of V., Ketcham, Lemon, Levenworth, Lewis of W., Lomax, Marshall, Martin, Roberts, Stevens, Sweetser, Test, Wallace, Wilson and Work—24.

And those who voted in the negative are,

Messrs. Ally, Beckes, Bullock, Claypool, Craig, Daniel, Elliott, Ferris, Gray, Hays, Hillis, Hoover, Hurst, Jackson of D., Johnson of P., Johnston of K., Little, Long, Lewis of F., M'Kinney, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Sargeant, Slaughter, Spann, Watts and Moore, Sp'r.—33.

And so said motion was decided in the negative.

Mr. Test moved to amend said resolution, so as to refer it to the committee on roads; which was decided in the negative.

Mr. Ferris moved to amend the same by striking out the word "free" in the last line; which was decided in the negative.

Mr. Bullock then moved further to amend said resolution, so as to make it imperative on said committee to report a memorial. And debate arising thereon,

Mr. Long called for the previous question; and the call being demanded by three members, the said previous question was put in the form prescribed by the rules of the House; that is to say, Shall the main question be now put? And it passed in the affirmative.

The said main question, to wit: Shall said resolution be adopted by the House? was then put; and it was decided in the negative.

On motion of Mr. Stevens,

Resolved, That the auditor of public accounts be, and he is hereby directed to lay before this House a full and complete copy of all the accounts filed by his Excellency, James B. Ray, Governor of the state, from the time he first acted and filled the office of Governor, in the month of February, 1825, up to the first day of January, 1827, for pay as Governor, for house rent, and for allowances on specific appropriations, stating the act and date of the act or acts authorizing any such specific appropriation.

Resolved, That the Treasurer of state be, and he is hereby required to lay before this House, a full and complete copy of all and singular the audited warrants by him paid, in favor of his Excellency, James B. Ray, Governor of the state of Indiana, for salary, house rent, and specific appropriations, from the time his Excellency first acted and filled the office of Governor, in the month of February, 1825, up to the 1st day of January, 1827.

Resolved, That the Treasurer of state be, and he is hereby required to lay before this House a full statement of all the money by him paid in advance to officers of state, within the period aforesaid, stating the officers to whom paid, and the amount so paid to each, if any: And also, state the amount of money loaned to members of the present House of Representatives, out of the trea-

surey of state, in anticipation of their services as such members, giving the name of the member and the amount paid to each.

Mr. Matlock after having obtained leave, presented a bill for the relief of John Carter and Joel Dixon; which was read the first time and passed to a second reading to-morrow.

Mr. Richardson moved to take up the bill providing for contesting the election of sheriffs and coroners; which was decided in the negative.

The House proceeded to consider the engrossed bill, entitled An act authorizing Robert R. Roberts, to establish a ferry on the West Fork of White river, in Owen county, and the amendments made thereto; when,

Mr. Richardson withdrew his motion to indefinitely postpone the further consideration of said bill.

The House concurred in the first amendment made thereto, in committee of the whole, but refused to concur in the second and third amendments made to said bill.

Mr. Beckes moved further to amend said bill, by the addition of the following, as a proviso to the last section, to wit:

"Provided however, That nothing herein contained, shall be so construed as to prevent the board of justices or persons doing county business for Owen county, from fixing the rates of said ferry, and imposing a tax upon the same, as in other cases of established ferries: Provided however, That the tax so imposed by them, shall not exceed the sum of five dollars."

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Beckes moved to postpone the several orders of the day, for the present, and re-consider the vote on the adoption of the resolutions offered by Mr. Stevens this morning, relative to calling on the auditor and treasurer for certain information.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Bullock, Claypool, Daniel, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hoover, Howk, Hurst, Jackson of D., Ketcham, Levenworth, Long, Lewis of W., Lomax, Martin, Matlock, Morgan, Ray, Restine, Richardson, Roberts, Slaughter, Stevens, Sweetser and Watts—30.

And those who voted in the negative are,

Messrs. Ally, Boon, Brown, Burnett, Chamberlin, Clendenin, Craig, Dickson, Gray, Hillis, Jackson of V., Johnson of P., Johnston of K., Lemon, Little, Lewis of F., M'Kinney, Marshall, Morris, Piercy, Spann, Test, Wallace, Wilson and Moore, Sp'r.—25.

And so said motion was carried in the affirmative.

Mr. Ketcham then moved to postpone the further consideration of said resolutions indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Claypool, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Hanna, Howk, Jackson of D., Jackson of V., Ketcham, Lewis of W., Lomax, Martin, Matlock, Restine, Richardson, Sargeant and Sweetser—19.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Clendenin, Craig, Gray, Hays, Hillis, Hoover, Hurst, Johnson of P., Johnston of K., Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Marshall, Morgan, Morris, Piercy, Ray, Read, Roberts, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson and Moore, Sp'r.—38.

So said motion was decided in the negative.

Mr. Howk moved to amend the third resolve in said resolutions, by striking out the following words, to wit: "and also state the amount of money loaned to members of the present House of Representatives, out of the treasury of state, in anticipation of their services as such members, giving the name of the member, and the amount paid to each."

And the ayes and noes being required thereon by two members, the same are as follows to wit:

Those who voted in the affirmative are,

Messrs. Beckes Howk. Sweetser and Richardson—4.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Dickson, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K, Ketcham, Lemon, Levenworth, Little, Long, Lewis of F, Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson and Moore, Sp'r.—53.

And so said motion was decided in the negative.

Mr. Stevens then moved to lay said resolutions on the table; which was decided in the negative.

Mr. Beckes moved to amend the third resolve, by adding at the end thereof the following words, to wit: "and together with the particular circumstance or occasion which produced the transaction;" which was carried in the affirmative.

Mr. Morgan then moved to amend the first resolve, by striking out the words "first of January," and inserting the words "twelfth of January;" which was carried in the affirmative.

Mr. Sweetser then moved to postpone the further consideration of said resolutions, until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Daniel, Dickson, Ferris, Fitzgerald, Hanna, Howk, Jackson of D., Jackson of V., Ketcham, Long, Lomax, Martin, Matlock, Read, Richardson and Sweetser—16.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Elliott, Gray, Hays, Hillis, Hoover, Hurst, Johnson of

P., Johnston of K., Lemon, Levenworth, Little, Lewis of F., Lewis of W., M'Kinney, Marshall, Morgan, Morris, Piercy, Ray, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, *supra*.—42.

And so said motion was decided in the negative.

Mr. Lomax then moved to postpone the further consideration of said resolutions until Monday next.

And debate arising thereon, Mr. Lemon called for the previous question, and the call being demanded by three members, the said previous question was put in the form prescribed by the rules of the House, that is to say, Shall the main question be now put? and it passed in the affirmative.

The said main question, to wit: Shall said resolutions be adopted by the House? was then put, and it was carried in the affirmative.

On motion of Mr. Fitzgerald,

He was discharged from further service on the committee of ways and means, being unable on account of ill health, to attend on said committee.

The House took up and proceeded to consider the amendment proposed by Mr. Beckes, to the bill from the Senate, authorizing Robert R. Roberts to establish a ferry across the West Fork of White river, in Owen county.

And on the question to agree to the same, it was decided in the negative.

Ordered, That the amendment to said bill be engrossed and with said bill read a third time to-morrow.

The bill organizing a county library in Crawford county, was read a second time and ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the following titles, viz:

An act to provide for the improvement of that part of the river Wabash, which is under the joint jurisdiction of Indiana and Illinois: And,

An act for the formation of a new county out of the county of Wabash; in which the concurrence of the House of Representatives is requested.

The first named bill from the Senate, was read the first time; when,

Mr. Johnston of K. moved that the rules be dispensed with, and said bill read a second time now; which was decided in the negative.

Said bill was then ordered to a second reading to-morrow.

The second named bill from the Senate, was read the first time; when,

Mr. Restine moved that the rules be dispensed with, and said bill be read a second time now; which was decided in the negative.

Mr. Howk then moved to reject said bill; which motion was withdrawn.

Said bill was then ordered to a second reading to-morrow.

Mr. Bullock from the joint committee for enrolled bills reported as follows:

Mr. Speaker,

The joint committee for enrolled bills, have this day compared the following enrolled bills entitled Acts, to wit:

An act to amend an act entitled, An act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses or masonic lodges—approved January 7, 1824; and also, An act amending an act entitled, An act supplemental to an act entitled, An act defining the duties of recorders, and pointing out the mode of conveying real estate—approved February 12th 1825, with the engrossed bills, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JANUARY 13, 1827.

The House met pursuant to adjournment.

Mr. Bullock, from the joint committee for enrolled bills, reported—That they did on yesterday present to his Excellency the Governor for his approval and signature, the following enrolled bills, to wit:

An act for the benefit of persons leasing the school section in township twenty one, of range seven west, in the year 1825.

An act declaring the Brushy fork of Muscatituck a public highway and for other purposes.

An act to authorize the board of justices of Pike county to appoint trustees of the Pike county library.

An act declaring salt creek a public highway. And,

An act authorizing Henry Thornburgh and Henry Hoover, administrators of the estate of John Charles deceased, to convey a certain water privilege.

On motion of Mr. Ketcham,

The House took up the communication of James Mitchel; which was referred to a select committee.

Ordered, That Messrs. Ketcham, Martin, Johnson of P., Sweetser and Johnston of K., be that committee.

Mr. Restine presented a petition of the board of justices of Fountain county, praying certain relief. And,

On motion of Mr. Claypool,

Said petition was ordered to lie on the table.

Mr. Brown, from the select committee to whom was referred the petition of Ephraim Goble and others of Union county, reported a bill to re locate a part of the state road from Sand run in Union county, to Fairfield and Somerset in Franklin county; which was read the first time and passed to a second reading on Monday next.

Mr. Hillis moved to add Mr. Hays to the committee of ways and means; which was decided in the negative.

Mr. Wilson moved that Mr. Watts be added to the committee of ways and means; which was carried in the affirmative.

On motion of Mr. Hoover,

Mr. Hillis was added to the committee of ways and means.

Mr. Johnston of K., submitted the following resolution for the consideration of the House, to wit :

Resolved, By the House of Representatives, (the Senate concurring therein) that the present session of the General Assembly shall close on Thursday the 25th instant.

Ordered, That the Senate be informed thereof, and their concurrence requested.

Mr. Wilson moved to amend the same by adding the words "provided the House gets through their business." And,

On motion of Mr. Boon,

Said resolution and proposed amendment were ordered to lie on the table.

Mr. M'Kinney presented the following resolution, to wit :

Resolved, That a select committee be appointed to inquire into and report to this House, the relative duties to be performed under the present laws, by the Secretary, Auditor and Treasurer of state, so that if there should be a difference in the duties to be performed by either of those officers, there may be an increase or diminution of compensation, such as may comport with justice, and that said committee report whether the Auditor is in the habit of absenting himself from the seat of government, and if so, for what period is he absent, and by whom during such absence, is the duty of his office performed; if by the Treasurer, if it can be ascertained, what allowance is made by the Auditor to the Treasurer for such services; and if said Treasurer performed the duty, whether it was intended by the constitution of the state, its laws and public policy, that the duties of those two offices should be performed by one individual, and he the Treasurer of state. That said committee require from the Auditor of state, the names of delinquent collectors, the counties where they reside, the sums due from each, and how long due, distinguishing between those against whom suits have been brought for the sums

they owe and are in arrear, and those against whom suits have not been instituted, and the reasons, if any, why suits have not been brought against all delinquent collectors. That said committee also inquire and report to this House, the reason if any, why the Auditor of state has not furnished the tract books of lands in the several counties in this state, in compliance with the law on that subject. That said committee report the particular evil, if any, which result from the Treasurer of state performing the duties, which by law exclusively pertain to the office of Auditor of state; and that said committee prepare a bill with provisions, such as may secure a regular and legitimate discharge of duty by the Auditor and Treasurer of state.

Mr. Sweetser moved to amend said resolution by the addition of the following at the end thereof, to wit:

That said committee report to this House, whether the Governor, Secretary and Treasurer of State, have been in the habit of absenting themselves from the seat of government, if so, for what period, and by whom during such absence have the duties of their respective offices been performed. That said committee respectfully request his Excellency the Governor, to lay before them a statement of the amount he has actually paid for house rent in the town of Indianapolis, during the time he has executed the office of Governor, and to whom the same has been paid, and that said committee report the same to this House; and that said committee inquire and report to this House, whether commissions both civil and military have not been issued during the absence of his Excellency the Governor and Secretary of State, and if so, by whom have such commissions been issued and the authority therefor, and whether the Governor has not been in the habit of leaving blank commissions in the office of Secretary of State to be so filled up and issued in his absence.

Mr. Read asked and obtained leave of absence during the discussion of the above resolution and the proposed amendment thereto.

Mr. Test then moved to lay said resolution and proposed amendment on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Bullock, Daniel, Ferris, Jackson of D., Richardson, Test and Watts—7.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Burnett, Chamberlin, Claypool, Clendenin, Craig, Dickson, Elliott, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Wilson, Work and Moore, Sp'r.—51.

And so said motion was decided in the negative.

Mr. Boon then moved to postpone the further consideration of said resolution and proposed amendment indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Boon, Daniel, Dickson, Ferris, Jackson of D., Restine, Richardson, Sweetser, Test, Watts and Work—11.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Elliott, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Roberts, Sargeant, Slaughter, Spann, Stevens, Wallace, Wilson and Moore, Sp'r.—45.

And so said motion was decided in the negative.

Mr. Sweetser's proposed amendment was then adopted by the House.

Mr. Bullock moved further to amend the same by the addition of the following, to wit :

Provided that such inquiry shall not extend beyond the time of the last election of the Treasurer and Auditor of State ; which was decided in the negative.

The question being put, Shall said resolution as amended be adopted by the House.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Brown, Bullock, Burnett, Chamberlin, Claypool, Clendenin, Elliott, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Sargeant, Slaughter, Spann, Stevens, Wallace, Wilson and Moore, Sp'r.—45.

And those who voted in the negative are,

Messrs. Boon, Craig, Daniel, Dickson, Ferris, Jackson of D., Restine, Roberts, Sweetser, Test, and Watts —11.

And so said resolution as amended was adopted by the House. When,

The Speaker appointed Messrs. M'Kinney, Stevens and Morris, a committee in pursuance thereof.

Mr. Ketcham, after having obtained leave, presented a bill for the liquidation and payment of certain expenses incurred in the transportation of certain public arms from Jeffersonville to Bloomington ; which was read the first time and passed to a second reading on Monday next.

The engrossed bill from the Senate entitled an act to establish the eastern boundary of Henry county, was read a second time and committed to a committee of the whole House on Monday next.

The engrossed bill from the Senate entitled an act to repeal part of an act providing the mode of opening and

repairing public roads and highways in certain counties therein named ; was read a second time : When,

The same was amended on the motion of Mr. Slaughter, by inserting after the word — the words, “and Harrison.”

Said bill was then ordered to a third reading on Monday next.

The engrossed bill from the Senate entitled an act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois ; was read a second time : When,

Mr. Hawk moved to postpone the further consideration thereof until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Chamberlin, Clendenin, Elliott, Hawk, Johnson of P., Lewis of W., Test, Wilson and Work—9.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Claypool, Craig, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lomax, M’Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Watts and Moore, Sp’r.—45.

And so said motion was decided in the negative.

Said bill was then committed to a committee of the whole House on Tuesday next.

And then the House adjourned until 2 o’clock P. M.

2 o’clock, P. M.

The House met pursuant to adjournment.

Mr. Lewis of W., from the joint committee for enrolled bills, reported—That they have compared the enrolled with the engrossed bill, entitled An act to amend an act entitled an act for the incorporation of county li-

libraries, approved January 28th, 1824; and find the same truly enrolled. When,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The engrossed bill authorizing Alexander Craig to erect a mill dam across the west fork of White river; the engrossed bill authorizing John Hammersley to erect a wing dam on the east fork of White river, near Bono in Lawrence county; the engrossed bill organizing a county library in the county of Crawford; the engrossed bill from the Senate entitled an act authorizing Robert R. Roberts and others, to keep a public ferry on the west fork of White river in Owen county; and the engrossed bill from the Senate, entitled an act to repeal part of an act entitled an act to amend an act for opening public roads and highways, approved February 12th, 1825, were severally read a third time and passed, the two last with amendments.

Ordered, That the first named bills be entitled acts, and that the Clerk carry the same to the Senate and ask their concurrence therein; and that he inform the Senate of the passage of the two last named bills, and ask their concurrence in the amendments thereto.

The engrossed bill to raise the salary of the agent of the state for the town of Indianapolis, was read a third time.

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Craig, Daniel, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Lemon, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin, Morris, Ray, Restine, Roberts, Slaughter, Stevens, Sweetser, Watts and Moore, Sp'r.—31.

And those who voted in the negative are,

Messrs. Ally, Bullock, Burnett, Chamberlin, Clay-

pool, Clendenin, Gray, Hawk, Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Long, Matlock, Piercy, Read, Sargeant, Spann, Test, Wallace, Wilson and Work—23.

And so said bill passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole on the bill for the relief of Henry Anderson, collector of Parke county for the year 1824; after some time spent therein, the Speaker resumed the Chair, and Mr. Fitzgerald reported the same with one amendment, which was by striking it out from its enacting clause; which was concurred in by the House. And,

On motion of Mr. Morris,

Said bill was ordered to lie on the table.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed bills of the House of Representatives of the following titles, to wit:

An act to enable the citizens of Vigo county to appropriate their road fund to the removal of stagnant waters in said county: And,

An act to provide for removing the obstructions in the river Patoka, without amendment. They have passed the following original bills, entitled acts, to wit.

1st. An act providing for the more certain preservation of the evidence of the title of real estate.

2d. An act to amend an act entitled, An act regulating the militia of the state of Indiana. And,

3d. An act regulating the inspection of flour, beef and pork; in which latter bills, the concurrence of the House of Representatives is requested.

The first named bill from the Senate, was read the first time, and passed to a second reading on Monday next.

The second named bill from the Senate, was read the first time; when,

Mr. Craig moved to reject the same ; which was decided in the negative.

Said bill was then ordered to a second reading on Monday next.

The third named bill from the Senate, was read the first time ; when,

Mr. Craig moved to reject the same ; which was also decided in the negative.

Said bill was then ordered to a second reading on Monday next.

The engrossed bill from the Senate entitled an act for the formation of a new county out of the county of Wabash ; was read a second time and committed to a committee of the whole House on Monday next.

The bill making general appropriations for the year 1827, was read a second time and ordered to be engrossed and read third time on Monday next.

The bill for the relief of Thomas Chinn was read a second time: And,

On motion of Mr. Boon,

The further consideration thereof was indefinitely postponed.

The bill for the relief of John Carter and Joel Dickson, was read a second time and ordered to be engrossed and read a third time on Monday next.

The House resolved itself into a committee of the whole on the bill of this House, for the formation of a new county out of the county of Wabash; after some time spent therein, the Speaker resumed the Chair, and Mr. Gray reported the same with several amendments ; which were concurred in by the House.

Mr. Hurst then moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Burnett, Chamberlin, Clendenin, Daniel, Ferris, Howk, Hurst, Johnson of P., Ketcham, Little, Lewis of W., Lomax, Marshall, Mar-

tin, Read, Richardson, Sargeant, Spann, Wallace, Watts, and Wilson—23.

And those who voted in the negative are,

Messrs. Ally, Brown, Claypool, Craig, Elliott, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnston of K., Lemon, Levenworth, Long, Lewis of F., M'Kinney, Matlock, Morris, Piercy, Ray, Restine, Roberts, Slaughter, Test, Work and Moore, Sp'r.—29.

And so said motion was decided in the negative.

Said bill was then ordered to be engrossed and read a third time on Monday next.

And then the House adjourned until Monday morning nine o'clock.

MONDAY MORNING, JANUARY 15, 1827.

The House met pursuant to adjournment.

Mr. Morgan asked leave to have his name recorded in the negative on the passage of the bill for raising the salary of the agent of the state, for the town of Indianapolis; which leave was refused by the House.

The Speaker laid before the House, the following communication, to wit:

Office of the Colonization Society, WASHINGTON, }
December 22d, 1826. }

*To the Hon. the Speaker of the
House of Representatives of the state of Indiana.*

SIR—I have the honor to transmit herewith the memorial of the board of managers of the American Colonization Society, to the General Assembly of the state of Indiana, which you will please to present to the consideration of that honorable body.

By order of the Board, Sir,

with the highest respect, your ob't. serv't.

R. R. GURLEY, *Res't. Ag't.* A. C. S.

Mr. Stevens moved to postpone the further consideration of said communication and memorial until the

first Monday in December next; which motion was withdrawn. And,

On motion of Mr. Ferris,

The same were referred to a select committee.

Ordered, That Messrs. Ferris, Stevens and Craig be that committee.

The Speaker laid before the House the following report from William H. Lilly, Auditor of Public Accounts, in pursuance of a resolution of this House of the 12th instant, to wit:

AUDITOR'S OFFICE, }
JANUARY 12th, 1827. }

Hon. Speaker of the House of Representatives:

SIR—In compliance with a resolution of the House of Representatives adopted the 12th instant, calling on this department for a copy of all the accounts filed by his Excellency James B. Ray, Governor of the state, from the time he first acted and filled the office of Governor in the month of February 1825, up to the 12th day of January 1827, for pay as Governor, for house rent, and for allowances on specific appropriations, stating the act, and date of the acts, authorizing such appropriation. I herewith have the honor to make the following report, to wit:

No. 1. "The auditor of public accounts will audit an account for fifty dollars, being for a quarter's house rent, pursuant to an act of the General Assembly making specific appropriations for the year 1825.

(Signed,) JAMES B. RAY, *Acting*
20th June, 1825. *Governor of Indiana."*

This account was audited 20th June, 1825.

No. 2. "The State of Indiana, to James B. Ray Dr.

To one quarter's salary as acting Governor of the state of Indiana, commencing on the 14th day of February, and ending on the 14th day of May 1825 inclusive, \$250 00. Correct.

(Signed,) JAMES B. RAY."

This account was audited under the act making general appropriations for the year 1825. Audited 20th June, 1825.

No. 3. "Received of William H. Lilly, a warrant for \$352 80, audited pursuant to the provisions of an

act, approved January the 21st, 1826, making specific appropriations for the year 1826.

(Signed,) JAMES B. RAY.

Jan'y 23d. 1826."

No. 4. *"The state of Indiana, to James B. Ray Dr.*

To one qr. salary ending on the 1st Monday of August. 1825, \$250 00." This account was audited pursuant to an act making general appropriations for 1825.

"House rent for 1825, \$200 00." Audited pursuant to an act making specific appropriations for 1825.

Both the above accounts were audited 23d Jan. 1826.

No. 5. *The State of Indiana, to James B. Ray Dr.*

To first qr. Salary for the year 1826, \$250 00.

Received a warrant for the above 3d May, 1826.

(Signed,) JAMES B. RAY, Gov'r Indiana."

The above account was audited pursuant to an act making general appropriations for 1826.

No. 6. *Samuel Merrill, Esq. Treasurer of the state of Indiana, to James B. Ray Dr.*

First and second quarters house rent for the year 1826, \$100 00. Received warrant for the above 3d May, 1826.

(Signed,) JAMES BROWN RAY."

This account was audited 3d May, 1826, pursuant to an act making specific appropriations for 1826.

No. 7. "The auditor of public accounts will please audit an account for James B. Ray for his second qr. salary for 1826, which voucher is in my possession authorizing the same; this 29th July, 1826. Amount \$250.

SAM'L MERRILL, *Treasurer.*"

This account was audited on the 29th July, 1826, pursuant to an act making general appropriations for 1826.

No. 8. *"The state of Indiana, to James B. Ray Dr.*

For third quarters salary for 1826. \$250 00.

Auditor's office October 31st, 1826, received a warrant on the within.

(Signed,) JAMES B. RAY."

This account was audited 31st October 1826, pursuant to an act making general appropriations for 1826.

No. 9. "The auditor of public accounts will audit

an account for James B. Ray for two quarters house rent, which voucher is in my possession, authorizing the same amounting to \$100 00.

SAMUEL MERRILL, *Treasurer.*"

This account was audited the 30th November, 1826, pursuant to an act making specific appropriations for 1826.

No. 10. "*The state of Indiana, to James B. Ray, Dr.*
To fourth quarters salary for the year 1826, \$250 00.
(Signed,) JAMES B. RAY."

January 3d, 1827.

This account was audited 3d January 1827. pursuant to an act making general appropriations for 1826.

All the within specified accounts are true copies from the originals on file in my office.

The auditor is conscious of a mistake in auditing the warrant for \$250, and that for \$200 00, on voucher marked No. 4. The last mentioned warrant is in the hand writing of the Governor himself, and was signed by the auditor without reflection, at a time when the press of business in the office was such as not to allow him time for examination. It was just at the adjournment of the last Legislature, when the warrants to be made out at that time, were either on the Speaker's certificate, or on special appropriations, which required but a glance to examine.

He therefore, as he had never before been presented with illegal claims by persons high in office, had no doubt at the time of their correctness. When informed by the Treasurer of the mistake, as the accounts had been carried into the books, he did not know how to remedy the difficulty—he proposed however, on the 3d of January inst. to the Governor to correct the mistake by taking from him a statement of all his charges against the state, with a credit for the items received, and auditing the balance, but this the Governor refused to do. He declined also dating his last voucher, until after the report of the committee of ways and means, as he said he should like an expression of opinion from them as to the time.

I have the honor to be,

very respectfully, yours &c.

WM. H. LILLY, A. P. A.

Which was ordered to lie on the table.

Mr. Lewis of F., from the committee on claims, submitted the following report :

Mr. Speaker,

The committee of claims to whom was referred the petition of S. C. Stevens, praying remuneration for services rendered in proceeding to the collection of \$441 11 against the collector of Switzerland county for the year 1824, have had the same under their consideration; and from an examination of the laws on that subject, they are of opinion, that the state is not legally bound to pay any thing, yet in consequence of the account having been placed in his hands for collection by the Auditor of state, and the law of 1826, giving the collector further time to pay over the above sum, and the legislature thereby taking the business out of his hands after he had rendered some service, viz : By filing a declaration &c. and the collector making a payment of \$40 00—the committee are of opinion, that in order to do justice to the petitioner he ought to have some compensation for his services—the committee would further state, that if a judgment had been obtained, the petitioner would have been entitled to 6 per cent, which would amount to \$26 46.

Resolved therefore, That an allowance of ten dollars be made to S. C. Stevens for services rendered, to be embraced in the specific appropriations.

Which was read : And,

On motion of Mr. Bullock,

Referred to the committee of ways and means, with instructions to report an allowance of ten dollars in the bill making specific appropriations for the year 1827.

Mr. Lewis of W., from the joint committee for enrolled bills, reported—That they have compared the enrolled with the engrossed bills entitled as follows, to wit :

An act to enable the citizens of Vigo county to appropriate their road fund to the removal of stagnant waters in said county ; And,

An act to provide for removing the obstructions in the river Patoka ; and find the same truly enrolled:

When,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Read moved to take up the resolution heretofore offered by Mr. Stevens, relative to receiving no new business from a certain period ; which was decided in the negative.

Mr. Burnett, after having obtained leave, presented a bill amendatory of the act regulating the judicial circuits, and fixing the times of holding courts therein ; which was read the first time: When,

Mr. Burnett moved that the rules be dispensed with, and said bill read a second time now ; which was decided in the negative.

Said bill was ordered to a second reading on to-morrow.

Mr. Beckes moved that the several orders of the day which precede the bill from the Senate for the formation of a new county out of the county of Wabash, be postponed for the present ; which was carried in the affirmative. And,

On motion of Mr. Beckes,

The committee of the whole to which the same was committed, was discharged from the further consideration thereof.

Said bill was then read a third time and amended by consent, and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in said amendment.

The engrossed bill from the Senate entitled an act regulating the inspection of beef, flour and pork, was read a second time : And,

On motion of Mr. Lemon,

The further consideration thereof was indefinitely postponed.

The engrossed bill from the Senate entitled an act for the more certain preservation of the evidences of title to real estate, was read a second time: and,

On motion of Mr. Beckes,

The further consideration thereof was indefinitely postponed.

The engrossed bill from the Senate, entitled an act to amend an act entitled an act regulating the militia of the state of Indiana, approved January 20th 1824, was read a second time.

Mr. Sweetser moved to commit the same to the same committee of the whole House, to which a bill of this House of the same title was committed.

Mr. Beckes then moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Bullock, Burnett, Chamberlin, Clendenin, Craig, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Lewis of F., Lewis of W., M'Kinney, Marshall, Morgan, Piercy, Read, Richardson, Roberts, Slaughter, Spann, Stevens, Wallace, Watts, Wilson, Work and Moore, Sp'r.—40.

And those who voted in the negative are,

Messrs. Ally, Brown, Claypool, Elliott, Hoover, Levenworth, Little, Long, Lomax, Martin, Matlock, Morris, Ray, Restine, Sargeant, Sweetser and Test —17.

And so said motion was carried in the affirmative.

The bill providing for the liquidation and payment of certain expenses in the transportation of certain public arms from Jeffersonville to Bloomington, was read a second time: And,

On motion of Mr. Johnston of K.,

The further consideration thereof was indefinitely postponed.

The bill to re-locate a part of the state road from Sand run in Union county, to Fairfield and Somerset in Franklin county, was read a second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate entitled an act to repeal part of an act providing the mode of opening and repairing public roads and highways in certain counties therein named, approved January 21, 1826, was read a third time and passed as amended.

Ordered. That the Clerk inform the Senate thereof, and ask their concurrence in said amendment.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed an engrossed bill from the House of Representatives, entitled an act to incorporate the county seminary of Harrison county without amendment.

The following message was received from the Governor by W. W. Wick:

Mr. Speaker,

I am instructed by the Governor to announce to the House of Representatives that on yesterday (January 14th) the acts which originated in this House, entitled:

An act for the benefit of persons leasing the school section in township twenty-one of range 7 west, in the year 1825.

An act to authorize the board of justices of Pike county to appoint trustees of the Pike county library.

An act declaring the Brushy Fork of Muscatituck a public highway and for other purposes.

An act declaring Salt creek a public highway. And,

An act authorizing Henry Thornburgh and Henry Hoover, administrators of the estate of John Charles deceased, to convey a certain water privilege; have received his approbation and signature.

The engrossed bill for the relief of John Carter and Joel Dixon; the engrossed bill respecting the state road from the Wabash by the way of the High Banks on White river to Indianapolis; and the engrossed bill making general appropriations for the year 1827; were severally read a third time and passed.

Ordered. That the same be entitled Acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill of this House for the formation of a new county out of the county of Wabash, was read a third time ; When,

Mr. Beckes moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Burnett, Chamberlin, Clendenin, Daniel, Ferris, Fitzgerald, Howk, Hurst, Johnson of P., Ketcham, Levenworth, Little, Lewis of W., Lomax, M'Kinney, Marshall, Martin, Morgan, Ray, Read, Richardson, Roberts, Sargeant, Slaughter, Spann, Sweetser, Test, Wallace, Watts and Wilson—33.

And those who voted in the negative are,

Messrs. Ally, Brown, Bullock, Claypool, Craig, Elliott, Gray, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnston of K., Lemon, Long, Matlock, Morris, Piercy, Restine, Stevens, Work and Moore, Sp'r.—23.

And so said motion was carried in the affirmative.

The House resolved itself into a committee of the whole, on the bill to amend the act entitled, An act for the relief of revolutionary soldiers—approved January 17th 1826: After some time spent therein—the Speaker resumed the Chair, and Mr. Hanna reported the same with one amendment, which was by striking it out from its enacting clause ; which amendment was concurred in by the House.

Mr. Johnston of K. moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Brown, Burnett, Chamberlin, Clendenin, Craig, Daniel, Ferris, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Little, Lewis of F., Lewis of W.

M'Kinney, Marshall, Matlock, Morris, Roberts, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—34.

And those who voted in the negative are,

Messrs. Bassett, Boon, Bullock, Claypool, Elliott, Fitzgerald, Hanna, Hays, Ketcham, Lemon, Levenworth, Long, Lomax, Martin, Morgan, Piercy; Ray, Read, Restine, Richardson and Sargeant—21.

And so said motion was carried in the affirmative.

The House resolved itself into a committee of the whole, on the bill authorizing sheriffs to solemnize marriages, and for other purposes: And after some time spent therein—the Speaker resumed the Chair, and Mr. Hays reported the same with one amendment, which was by striking it out from its enacting clause; which was concurred in by the House. And,

On motion of Mr. Bullock,

The further consideration thereof was indefinitely postponed.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House the following report from Samuel Merrill, Esq. Treasurer of State, in pursuance of a resolution of this House on the 12th inst.

TREASURER'S OFFICE, Jan. 14, 1827.

The Treasurer of State, in obedience to a resolution of the House, of the 12th inst. requiring of him certain copies and statements, has the honor to report the said copies as follows:

No. 1. House rent, 50 doll's. cts. No. 1637: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray, the sum of fifty dollars, pursuant to the provisions of an act, approved 12th February, 1825, entitled, An act making specific appropriations; it being for house rent. Given under my hand, this 20th June, 1825.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received of Samuel Mer-

fill, Treasurer of State, fifty dollars on account of the within warrant.

JAMES B. RAY, Acting
Governor of Indiana.

June 23, 1825.

No. 2. Executive 250 doll's. cts. No. 1638: State of Indiana Auditor's Office, Indianapolis: Pay to James B. Ray, the sum of two hundred and fifty dollars, pursuant to the provisions of an act, approved 28th January, 1818, entitled An act fixing the salaries of certain officers, and for other purposes. Given under my hand this 20th June, 1825.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received the amount of the within warrant,

JAMES B. RAY, Acting
Governor of Indiana.

June 22d 1825.

No. 3. Executive 352 doll's. 80 cts. No. 1819: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray, the sum of three hundred and fifty two dollars and eighty cents, pursuant to the provisions of an act, approved January 21, 1826, entitled An act making specific appropriations for the year 1826. Given under my hand this 23d January, 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received payment,
J. BROWN RAY.

No. 4. Executive 250 doll's. No. 1820: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray, the sum of two hundred and fifty dollars, pursuant to the provisions of an act, approved 28th January 1818, entitled An act fixing the salaries of certain officers, and for other purposes. Given under my hand this 23d day of January 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received payment:
J. BROWN RAY.

No. 5. Legislative 200 doll's. No. 1821: State of Indiana, Auditor's Office, Indianapolis: Pay to James

B. Ray, the sum of two hundred dollars, pursuant to the provisions of an act, approved 1825, entitled An act making specific appropriations for the year 1825. Given under my hand this 23d day of January, 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received payment,
Jan'y 23d 1826. J. BROWN RAY.

And the following memorandum made by the Governor, January 3, 1827: "Fifty dollars of the within warrant is applied to meet an error of fifty dollars, in a former warrant, which was misapplied."

And the following by the Treasurer: The foregoing is not correct, as no error of fifty dollars ever existed in a former warrant.

S. MERRILL.

No. 6. Executive 250 doll's. No. 1860: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray the sum of two hundred and fifty dollars, pursuant to the provisions of an act, approved December 18, 1818, entitled An act fixing the salaries of certain officers. Given under my hand this 23d of January, 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received payment,
J. BROWN RAY.

No. 7. House rent 100 doll's. No. 1861: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray, the sum of one hundred dollars, pursuant to the provisions of an act approved, January 21. 1826, entitled An act making specific appropriations for the year 1826. Given under my hand this 3d day of May, 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received payment,
J. BROWN RAY.

No. 8. Executive 250 doll's. No. 1875. State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray, the sum of two hundred and fifty dollars, pursuant to the provisions of an act, approved 28th January 1818, entitled An act fixing the salaries of certain offi-

eers, and for other purposes. Given under my hand this 29th July, 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

Attached to which is the following: Received of the Treasurer of the State of Indiana, the sum of two hundred and fifty dollars, for second quarters salary, for the year 1826, due in June next.

May 3, 1826.

J. BROWN RAY.

No. 9. Executive 250 doll's. No. 1889: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray the sum of two hundred and fifty dollars, pursuant to the provisions of an act, approved January 28, 1818, entitled An act fixing the salaries of certain officers therein named. Given under my hand this 30th October, 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received payment,

J. BROWN RAY.

No. 10. House rent 100 doll's. No. 1911: State of Indiana, Auditor's Office, Indianapolis: Pay to James B. Ray the sum of one hundred dollars, pursuant to the provisions of an act, approved 21st January, 1826, entitled An act making appropriations for house rent for the use of the Governor. Given under my hand this 30th November 1826.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

Attached to which are the following: July 31, 1826: *Fifty dollars*—The Treasurer of State, Samuel Merrill, will please pay Messrs. Bay and Hoagland fifty dollars, and charge it to my last quarter's house rent account. Yours respectfully,

JAMES B. RAY.

And the following: *Fifty dollars*—The Treasurer of State will pay Wm. Bay fifty dollars, on account of the present quarter's house rent, which added to fifty dol-

lars formerly drawn, makes \$100, for which I will have a warrant audited October, 1826.

J. BROWN RAY.

NO. 11. Executive 250 doll's. No. 1945: State of Indiana. Auditor's Office. Indianapolis: Pay to James B. Ray the sum of two hundred and fifty dollars pursuant to the provisions of an act, approved 28th January 1818, entitled An act fixing the salaries of certain officers, and for other purposes. Given under my hand this 3d day of January, 1827.

WM. H. LILLY, A. P. A.

To the Treasurer of State.

On which is the following: Received on the within two hundred dollars, the other fifty being applied to a misapplication of fifty dollars, to a house rent account, which ought to have been applied to the salary account.

January 3, 1827.

J. B. RAY.

The foregoing are the copies required by the resolution, but in addition, the following was filed in this office. January 4, 1827.—Copy.

\$36 37: The sum of \$ 36 37 is refunded to the treasury of an over calculation by the Legislature of 1825-6, in a specific appropriation made to the Governor of Indiana, from the 12th of August, 1825. to the 7th day of December, of the same year, as specified in the law, to be allowed from the current quarters salary.

J. B. RAY.

Here the Treasurer would willingly have concluded his report as to the first resolution directed to him, but were he not to notice the manner in which the last warrant is receipted, and the phraseology of the papers filed with him as above set forth, he might be considered as admitting the facts therein stated. He was willing that the Governor should qualify his receipts as he thought proper, both for his own satisfaction, and that the committee of ways and means might understand his views; yet he, (the Treasurer) must in matter of fact, correct so much of the receipt as states a misapplication of fifty dollars to a house rent account, "which ought to have been applied to the salary account:" for in the vouchers for house rent for 1826, the words are too plain

to be mistaken, and when the house rent for 1825 was drawn, there was no salary due to which it could have been applied. The Auditor's vouchers will shew when the error in the drafts for house rent occurred, but the mistake would have been discovered immediately at this office, had the warrant been entitled "house rent," as it should have been. The Treasurer begs leave also to correct the statement respecting the over calculation by the legislature of 1825-6, in a specific appropriation to the Governor of Indiana, from the 12th of August 1825, to the 7th December of the same year, for the appropriation referred to was for services from the first Monday in August to the 3d day of the session.

The Treasurer trusts he shall be excused for correcting some other mistakes that exist, and misstatements that have been made respecting this transaction. It is a mistake or a misstatement that none of the money overdrawn has been paid back; for if warrants are not paid in full, the balance unpaid must be still due, and can be drawn at any time. The last paper filed mentions "money refunded." It was considered at the time, and the course pursued was chosen by the parties as shewing the nature of the transaction. It is also a mistake that any money has ever been deposited in the Treasury by the Governor, and it is not true that the Treasurer has ever attempted to influence any measure before the House, during this session.

The Treasurer of state in answer to the resolution requiring him to lay before the House a full statement of all the monies paid in advance to officers of state, and also the amount of money loaned to members of the present House of Representatives out of the Treasury of state, in anticipation of their services, respectfully reports— That no money has ever been advanced or loaned by him as Treasurer, out of the Treasury of state, either to officers of state, or members of the present House of Representatives, in anticipation of their services.

The Treasurer, however, would not for a moment be thought guilty of attempting to avoid any scrutiny the legislature may think proper to make into his conduct. He is sensible of the value of their good opinion, and

that it is his duty not only to do right, but if possible to be above suspicion. He has therefore, thought it best to accompany this report with a statement of all his private dealings with officers of state, and members of the present House of Representatives; and he will, whilst in office, always be ready to explain and exhibit it to the legislature, its committees or individual members, or to respectable citizens, not only his official concerns, but all his private pecuniary affairs. The former he knows can be made intelligible, the latter may not be always so, for they have been generally of too little consequence to impress the memory strongly, or to be recorded in such a manner that the nature of them can now be correctly ascertained. Yours respectfully,

S. MERRILL, *Treas'r of State.*

Hon. Speaker of the House of Representatives.

Accompanying Statement.

In reference to my private and personal dealings with the officers of state. I beg leave to make a few preliminary remarks. Having never had any very intricate or important concerns with either of them, it has not been necessary in general to make entries even on a day book of what had taken place, especially where a note or receipt was given which was usually, on payment, given up in a few days. The amount of actual loans cannot now, with certainty, be ascertained; but it has never been considerable; and in no one instance has any thing more than the principal been received, though interest has been some times offered. The money advanced to officers for their claims before they were due, can be tolerably well ascertained, as the claims are generally filed with the warrants when they are drawn, where they answer the purpose of receipts; though with the officers at this place, and some others, when the whole amount due on a claim has not been paid at one time, the receipts, as opportunity offers, are given up, and the amount of them credited on the warrant when it is obtained.

The most usual reason for taking up claims before they are due, is to enable collectors to settle the revenue

due from them. It is desirable to me to avoid the risk of twice counting—it is an advantage to the judges to get their money at home, and to the collectors to save the risk and trouble of transportation. The quarters of two of the judges end on the 17th Dec.; three on the 27th Dec.; one on the 18th; one on the 21st, and one on the 27th Jan'y. The most of them have but a few days to run on the second Monday of December, when the revenue is payable. These claims have been occasionally taken up before they were due, for some years past; but the amount standing out at one time has never been considerable; probably not beyond my private means, should all the officers have died immediately.—To the amount taken, there is probably less risk to me, than in taking either bank paper or silver. I have suffered from counterfeit silver, and counterfeit and uncurrent notes; but never from this mode of taking claims, and the state certainly cannot suffer; for nothing can be charged on the books without the warrant. This mode of taking claims was always done on my own responsibility, but nothing was ever gained by me but extra trouble, and possibly some good wishes from judges and collectors. There has never been the least concealment about it. Citizens, sheriffs, members of the Legislature and scrutinizing committees have seen all that has been done, and have not heretofore complained. In the annexed statement, there will no doubt be omissions from the causes above stated; but as far as memory, or entries, or papers on file will furnish the materials for this hasty sketch, it shall be given; not pretending to be exempt from liability to mistake, either in this statement or in any of my concerns. The statement will commence with the Governor, and on through the whole.

May 1, 1825, fifty dollars was advanced to James B. Ray, on his warrant due in less than two weeks. He was just leaving this place, and expected to be absent some time. This sum was credited on the warrant when drawn, which was brought to Treasury 23d June following.

July 16, 1825, the Governor's order to collector of

Wayne for twenty five dollars, advanced, and credited to said collector.

December 7. the Governor's order for eighty-five dollars. to the collector of Union, advanced.

Same. to collector of Wayne, fifty dollars. These orders were set led on warrants brought to the Treasury January 23, 1826.

May 4, 1826, the Governor's claim due about the first of June, for two hundred and fifty dollars was taken up, and settled when the warrant was drawn in July.

July 31, the Governor's order for fifty dollars for house rent, paid.

October, the same amount for same, paid on order; both settled on warrant drawn, November 30. 1826.

January 4, 1827. advanced on Governor's order on next warrant, thirty-six dollars thirty seven cents. This last was to settle up an over payment.

Advanced to Secretary of State.

November 8, 1825. ninety dollars, which was settled on his warrant due January 12, 1826, during almost every subsequent quarter, small sums were advanced to Secretary, which were always settled when the warrant for that quarter was brought to the Treasury. Their amount cannot now be ascertained.

November, 1826, advanced to same, sixty-six dollars eighteen and three fourth cents. December 11, 1826, order of same to collector of Marion. eight dollars fifty-two cents. The warrant for the last quarter is now due the Secretary, and the above will be settled as usual.

Advanced to Auditor.

February, 1826. advanced to Auditor, which was settled in May, twenty dollars. October. advanced fifty dollars, and afterwards twenty dollars, which was settled on warrant due in November. Paid, to be taken from his next quarter—order accepted from collector of Marion, fourteen dollars thirty-seven cents. Gregg's order to same, nine dollars fifty cents. Note on Lilly paid to me by Blythe, ten dollars—to be settled on his next warrant.

Advanced to Adjutant General.

May 3, 1826; twenty five dollars, settled on warrant due same month. September 28, 1826, twenty five dollars, settled on warrant due in November. December 25, 1826, twenty five dollars, to be settled on next warrant.

To James Scott. Judge of Supreme Court.

December 13, 1825, received of collector of Clark, J. Scott's order for his salary due 27th same month, which was settled accordingly. May 3, 1826, paid same on his salary due in June, one hundred and seventy-five dollars, which was settled on same when due. December 2, 1826, received of collector of Floyd, judge Scott's order for salary due 27th same month, which was settled on warrant then drawn.

J. L. Holman.

December 13, 1825, received his order to collector of Dearborn, for salary due 27th same month, which was settled on warrant then drawn. May 3, 1826, advanced to same one hundred and seventy five dollars on his warrant due the 27th June, which, when due was drawn and settled accordingly. November 29, advanced to same, on his warrant due 27th December one hundred and seventy-five dollars, which was drawn and settled accordingly.

I. Blackford.

Judge Blackford for two years past, has drawn on me as his wants required, having empowered me to get his warrants when due. These drafts each year have been taken up, and the warrants receipted by him. Last year the balance in his favor was thirty-seven dollars twenty-nine cents, this year the balance against him is twelve dollars twelve and a half cents, which will be settled on his next warrant.

John R. Porter.

Whilst here this session drew for one hundred and seventy-five dollars, his salary due 27th inst. which will be adjusted at that time.

John F. Ross.

December 12, 1825, order to collector of Clark, for one hundred and seventy-five dollars, for salary due

17th same month, was received and settled when it became due. May 1, 1826, advanced to same one hundred and seventy-five dollars, on warrant due 27th June, which was settled on same. December 12. received order of same, to collector of Washington, for salary due 17th December, which was settled accordingly. December 18th, advanced one hundred and seventy five dollars, to be settled on his salary due 17th March. This was a misunderstanding in me at the time, as from the hurry I was then in, I did not write the receipt, but supposed it was the quarter then due.

M. C. Eggleston.

For two years in succession, the collector of Franklin has brought judge Eggleston's orders for his salary, due up to 17th December of each year. These orders have been received, and were settled at the proper times. It may not be improper to remark, that none of his salary for the whole year had been previously paid at the Treasury.

J. R. E. Goodlett.

December 10, 1825, judge Goodlett's order for his salary due 21st January, was received from collector of Posey, and settled when same became due. December 9, 1826, in order to settle up a balance due from collector of Posey, judge Goodlett gave orders for three hundred and fifty dollars, payable out of his salary, with a privilege to draw for a quarter's salary, that has been outstanding for some time, if I thought proper. This outstanding quarter was due 22d October 1824, (as appears from report of committee of ways and means for 1825,) but for some cause has not yet been drawn. He wished to examine his papers at home first, unless there should be some necessity for drawing the warrant sooner. It has therefore been delayed. The whole may be settled the 21st inst.

B. F. Morris.

Judge Morris has during almost every quarter, made calls upon me for small sums of money. These were settled up at the end of the quarter in every instance, except in October last. At that time a long sickness in his family, and some debts that pressed upon him, made

it convenient for him to be in advance with me. He came to me afterwards, and told me he had made arrangements with several collectors to settle revenue for them, and that he wished me to take in his orders, which I agreed to, on his giving a lien on his salary, and a certificate for an out lot. The amount exceeds the salary due to him, three hundred and twenty-five dollars eighty eight cents.

General Stapp and Mr. Battell drew from me, what it was supposed would be due from them, under their appointments as prosecuting attorneys. The former one hundred dollars and the latter seventy dollars. The Auditor not having yet determined to what time salaries should be drawn under those appointments, the warrants have not yet been made out.

I could have wished to be more particular, but the ill health of myself and family, would not suffer it without too much delay. One word, however more, may be added, respecting the money advanced to public officers. About the first of May last, a short absence from the state was expected, persons were here at the supreme court from almost every part of the state, and opportunities then occurred to forward the salaries of the judges, which do not frequently offer at this place, and every cent then paid has since been correctly accounted for.

Members of the Lower House, have sent orders by collectors, which have been placed to their credit as follows:

John M. Hays, for collector of Vermillion	\$ 10 00
Wm. Elliott, for collector of Wayne	55 00
M. Gray, for collector of Scott	20 00
T. J. Matlock, for collector of Hendricks	4 00
J. H. Richardson, for collector of Posey	20 00
B. Hurst, for collector of Harrison	31 50
Wm. Marshall, for collector of Jackson	75 06
H. H. Moore, for collector of Harrison	15 00
A. Wallace, for collector of Orange	21 88
W. A. Bullock, for collector of Jennings	83 00
N. Claypool, for collector of Fayette	20 00
M. M. Ray, for collector of Fayette	60 00
D. Hillis, for collector of Jefferson	41 67

M. S. Craig, for collector of Dearborn	-	37 50
C. H. Test, for collector of Randolph	-	15 00
L. Roberts, for collector of Lawrence	-	25 00
L. Howk, for collector of Clark	-	25 00
E. Jackson, for collector of Dearborn	-	10 00
S. C. Stevens, for collector of Switzerland	-	27 22
T. Fitzgerald, for collector of Warrick	-	42 17
E. Long, for collector of Henry	-	25 75
S. M. Levedworth, for collector of Crawford	-	30 81

This last order was paid shortly after it was given, and Mr. Stevens a day or two after his was given, offered to discharge it, but he was told, the taking it from his wages was preferable.

Members House of Representatives.

The following persons are indebted to Samuel Merrill, for cash calculated to be applied to their wages, to wit:

<i>Date of debt.</i>	<i>Persons.</i>	<i>Amount.</i>
25th Dec. 1826,	M. Gray	\$15 00
12th Jan. 1827, $\frac{1}{2}$ past 1, p. m.,	P. Sweetser	5 00
5th Dec. 1826,	J. Daniel	10 00
2d Jan. 1827,	J. L. Spann	5 00
do. do.	J. B. Slaughter	2 75
do. do.	A. Wallace	5 00
12th do.	Joseph Work	10 00
25th Dec. 1826,	G. Boon	8 00
do. do.	M. S. Craig	10 00
14th do.	T. Fitzgerald	15 00

\$85 75

In addition to the above, Mr. Bassett loaned of me five dollars, Mr. Watts ten dollars, Mr. Richardson forty dollars, which have been paid.

The above and foregoing statement is correct, in the manner it is set forth.

S. MERRILL.

Which being read was ordered to lie on the table.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate concur in the amendments made by the

House of Representatives, to the engrossed bill of the Senate, entitled An act for the formation of a new county out of the county of Wabash.

They have passed engrossed bills of the following titles, viz:

An act for the relief of Jesse Jackson, late collector of the revenue for Scott county; and an engrossed bill entitled An act to authorize Polly Branham, Administratrix of Lindsfield Branham, to sell and convey certain lands therein named; in which they ask the concurrence of the House of Representatives.

Said bills from the Senate were read the first time, and passed to a second reading to-morrow.

The engrossed bill regulating the manner of doing county business, in certain counties therein named, and to elect township officers, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Chamberlin, Claypool, Craig, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hoover, Jackson of V., Ketcham, Levenworth, Long, Lewis of F., Lomax, M'Kinney, Martin, Morgan, Ray, Read, Restine, Richardson, Roberts, Sargeant, Stevens, Sweetser, Test and Watts—33.

And those who voted in the negative are,

Messrs. Beckes, Bullock, Burnett, Clendenin, Daniel, Hillis, Hawk, Hurst, Johnson of P., Johnston of K., Lemon, Little, Lewis of W., Marshall, Matlock, Morris, Piercy, Slaughter, Spann, Wallace, Wilson, Work and Moore, Sp'r.—23.

And so said bill passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House resolved itself into a committee of the whole, on the bill providing for the sale of the real estate of Thomas Bullitt, deceased: After some time spent

therein—the Speaker resumed the Chair, and Mr. Hillis reported the same without amendment.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill to authorize the board of justices of Pike county, to vacate certain alleys in the town of Petersburg in said county: After some time spent therein—the Speaker resumed the Chair, and Mr. Hoover reported the same with one amendment; which was concurred in by the House.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Lemon moved to discharge the committee of the whole, to which was committed the bill to amend an act entitled. An act for opening and repairing public roads and highways—approved January 31, 1824, from the further consideration thereof; which was decided in the negative.

The House then resolved itself into a committee of the whole on said bill: After some time spent therein—the Speaker resumed the Chair, and Mr. Hawk reported the same with several amendments.

The House concurred in the 1st, 2d, 3d and 4th amendments to said bill.

The question being put, Will the House concur in the 5th amendment, which allowed supervisors the sum of fifty cents per day, in addition to what they now receive for their services?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Brown, Burnett, Chamberlin, Claypool, Clendenin, Craig, Elliott, Ferris, Gray, Hanna, Hays, Hurst, Jackson of V., Johnston of K., Ketcham, Levenworth, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morris, Ray, Restine, Roberts, Sargeant, Slaughter, Stevens, Sweetser, Wallace and Watts—36.

And those who voted in the negative are,

Messrs. Ally, Bassett, Bullock, Hillis, Jackson of D., Johnson of P., Lemon, Long, Morgan, Piercy, Read, Spann, Test, Wilson and Moore. Sp'r.—15.

And so said amendment was concurred in by the House.

Mr. Bullock moved further to amend said bill, by the addition of the following as a section, to wit.

“And that the law heretofore exempting supervisors from militia duty and serving on juries, be and the same is hereby repealed.”

Mr. Lomax moved to amend the amendment, by striking out the words “militia duty.”

Mr. Elliott then moved to postpone the further consideration of said bill and proposed amendment indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Bullock, Burnett, Chamberlin, Craig, Daniel, Elliott, Ferris, Hanna, Hillis, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Marshall, Martin, Morgan, Piercy, Read, Roberts, Sargeant, Spann, Stevens, Watts and Wilson —31.

And those who voted in the negative are,

Messrs. Beckes, Brown, Claypool, Clendenin, Fitzgerald, Gray, Hays, Hoover, Hawk, Johnston of K., Levenworth, Lewis of F., Lewis of W., Lomax, McKinney, Matlock, Morris, Ray, Restine, Slaughter, Sweetser Test, Wallace and Moore, Sp'r.—24.

And so said motion was carried in the affirmative.

The House resolved itself into a committee of the whole, on the bill for the formation of a new county, out of the county of Delaware: After some time spent therein—the Speaker resumed the Chair, and Mr. Hurst reported the same with several amendments; which were concurred in by the House.

On motion of Mr. Hurst,

The title of said bill was amended, so as to read "A bill to organize the county of Delaware."

Said bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. Bullock, from the joint committee for enrolled bills, reported as follows:

Mr. Speaker,

The joint committee for enrolled bills, did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, to wit:

An act to amend an act entitled, An act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses or masonic lodges—approved January 7, 1824.

An act amending an act entitled, an act supplemental to an act entitled, An act defining the duties of recorders and pointing out the mode of conveying real estate—approved February 12, 1825.

An act to provide for removing the obstructions in the river Patoka.

An act to amend an act entitled, An act for the incorporation of county libraries—approved January 28, 1824. Also,

An act to enable the citizens of Vigo county, to appropriate their road fund, to the removal of stagnant waters in said county.

The House adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, JANUARY 16, 1827.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication from Moses Scott, and a remonstrance of sundry citizens of Franklin county, against the location of a state road from Greensburgh to Centreville; which were referred to the same committee of the whole, to whom was referred a bill on that subject.

Mr. Ferris submitted the following report, to wit:

Mr. Speaker,

The select committee to whom was referred the memorial of the American Colonization Society, have had the same under consideration, but on account of the late day of the session on which it was received, and the vital importance of the subject, not only the nation, but also those individuals among the descendants of Africa, who may participate in the blessings intended to be extended to them, through the benevolent design of said society, they deem it a subject deserving more attention than they can possibly give it at this time; and have therefore, directed me to recommend the postponement of the further consideration thereof, until the next session of the General Assembly.

Which report was concurred in by the House.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate concur in the several amendments made by the House of Representatives, to the engrossed bills of the Senate, entitled Acts as follows:

An act to repeal part of an act entitled, an act to amend an act entitled, An act for opening and repairing public roads and highways.

An act to authorize Robert R. Roberts and others, to keep a public ferry on the West Fork of White river, in Owen county. And,

An act to repeal part of an act entitled, An act providing the mode of opening and repairing public roads and highways, in certain counties therein named—approved January 21, 1826.

They also concur with the House of Representatives, in the passage of an engrossed bill entitled, An act to amend an act concerning salt springs in Orange county, without amendment.

Mr. Brown, from the select committee to whom was referred a petition of Henry Miller and others, reported a bill to vacate a part of the state road from Liberty, in Union county, to New Castle, in Henry county; which was read the first time:

Whereupon,

Mr. Lewis of W. moved to reject said bill; which was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Clendenin presented the following preamble and resolution, for the consideration of the House, to wit:

WHEREAS, the integrity and independence of this House, are essential to the character and dignity of the state, and from the constitutional safe-guards of the rights, the interests and the honor of the people of Indiana, every principle of duty and self respect, demands that this character should not only be pure, but unsuspected: AND WHEREAS, the honorable Stephen C. Stevens, a member of this House, did on the 12th instant, standing in his place, assert that he had then just been informed by a gentleman of the lobby of this House, a man high in office, that the Treasurer of State was a rascal, and that the members of this House dared not investigate his conduct, for fear of being themselves involved in his, the Treasurer's guilt or corruption. that public money had been corruptly loaned by, and borrowed of the Treasurer by members, or words to that effect: AND WHEREAS, a charge so flagrant, if true, would justly tarnish and degrade the character of this House, and if false, should expose its author to public scorn, and to such punishment as the constitution provides for persons guilty of outrageous contempts:

Therefore,

Resolved, That the honorable Stephen C. Stevens, be immediately called upon by the Speaker, to name to this House, the individual who has made the above mentioned charges, and to set down in writing the substance of the same, for the purpose of enabling this House, to order such investigation and adopt such measures, as honor and duty imperatively require.

Mr Morgan moved that the further consideration of said preamble and resolution be indefinitely postponed.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Burnett, Claypool, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Lemon, Little, Long, Lewis of F., M'Kinney, Morgau, Morris, Ray, Read, Roberts, Sargeant, Sweetser, Test, Watts and Work—30.

And those who voted in the negative are,

Messrs. Ally, Beckes, Bullock, Chamberlin, Clendenin, Craig, Daniel, Hawk, Hurst, Johnson of P., Johnston of K., Ketcham, Levenworth, Lomax, Marshall, Martin, Matlock, Piercy, Restine, Richardson, Slaughter, Spann, Wallace, Wilson and Moore, Sp'r.—25.

And so said motion was carried in the affirmative.

Mr. Lewis of W. from the joint committee for enrolled bills reported—That they have compared the following enrolled with the engrossed bills, to wit:

An act to incorporate the county seminary of Harrison county. And.

An act for the formation of a new county, out of the county of Wabash, and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Ferris presented the following resolution, to wit:

Resolved. That the select committee appointed in pursuance of certain resolutions of the 13th instant, calling on the Governor, Secretary of State, Auditor of Public Accounts and Treasurer of State, for certain official information relative to the mode and manner of performing the duties of their respective offices, be discharged from the further consideration thereof. And that from the report of the Auditor and Treasurer of State, this House is perfectly satisfied with their conduct in the discharge of their duties in their respective offices.

And the ayes and noes being required on the question to adopt said resolution, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Bullock, Ferris, Gray, Hoover, Hawk, Jackson of V., Johnston of K., Levenworth, Marshall, Matlock, Morris, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Sweetser, Test and Watts—22.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Fitzgerald, Hanna, Hays, Hillis, Hurst, Jackson of D., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Martin, M'Kinney, Morgan, Piercy, Ray, Spann, Wallace, Wilson, Work and Moore, Sp'r.—34.

And so said resolution was not adopted by the House.

Mr. Hurst presented the following resolution, to wit:

Resolved, That S. C. Stevens a member from Switzerland county, be, and he is hereby directed to communicate to this House in writing, the charge which he heard made in the lobby on the 12th instant, against members of this House, the Treasurer and other officers of government, as stated by him when standing in his place as a member. And also, give the name of the person making the charge. And,

On the question to adopt said resolution, it was decided in the negative.

Mr. Stevens presented the following resolution, to wit:

Resolved, That the resolution of the gentleman from Switzerland, and the resolutions of the gentleman from Franklin, respecting malconduct in officers of government and the members of this House &c., and the reports and investigations under the resolutions aforesaid, so far as they have progressed, have so far satisfied this House that no mal-conduct exists, and that further investigation is unnecessary; and therefore, the clerk of this House is hereby directed to strike from the journals all the resolutions, reports and motions on the subject.

Mr. Gray moved to amend said resolution by striking out that part which directs the clerk to strike from

the journals that part which relates to the report of the Auditor and Treasurer.

And debate arising thereon, Mr. Johnston of K., called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of this House, that is to say: shall the main question be now put? and it passed in the affirmative.

The said main question to wit: Shall the resolution offered by Mr. Stevens, be now adopted by the House? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bullock, Burnett, Hanna, Hillis, Morris, Richardson, Roberts, Slaughter, Stevens and Test
—11.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Brown, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hays, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Piercy, Ray, Read, Restine, Sargeant, Spann, Sweetser, Wallace, Watts, Wilson, Work and Moore, Sp'r.—16.

And so said resolution was not adopted by the House.

Mr. Johnston of K., after having obtained leave, presented a bill respecting supervisors of public highways and for other purposes; which was read the first time.

Mr. Johnston then moved that the rules be dispensed with, and said bill be read a second time now; which was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. M'Kinney, after having obtained leave, presented a bill legalizing the proceedings of the board of justices of Franklin county, and for other purposes:

which was read the first time and passed to a second reading to morrow.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed bill from the Senate entitled an act to authorize Polly Branham, administratrix of Lindfield Branham deceased, to sell and convey certain lands therein named, was read a second time and committed to a committee of the whole House on Thursday next.

The engrossed bill amendatory of the act regulating the judicial circuits and fixing the times of holding courts therein, was read a second time and committed to a committee of the whole House to-morrow.

The engrossed bill from the Senate, entitled an act for the benefit of Jesse Jackson, late collector of the revenue for Scott county, was read a second time and ordered to be read a third time to-morrow.

The engrossed bill to vacate a part of the road from Sand run in Union county, to Somerset and Fairfield in Franklin county; the engrossed bill authorizing the board of justices of Pike county to vacate the alleys in the town of Petersburg and for other purposes; and the engrossed bill providing for the sale of the real estate of Thomas Bullitt, deceased, were severally read a third time and passed.

Ordered, That the same be entitled Acts, and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Beckes,

The committee of the whole to which was committed the bill to authorize Franklin F. Sawyer to sell and convey certain real estate, was discharged from the further consideration thereof.

Said bill was then ordered to be engrossed and read a third time to morrow.

The House resolved itself into a committee of the whole on the following bills, to wit:

1st. The bill to amend the several acts now in force relative to assessing and collecting the revenue--2d, The

bill amendatory to the several acts for assessing and collecting the revenue—3d. And the bill to change the time of the meeting of the General Assembly—after some time spent therein, the Speaker resumed the chair, and Mr. Jackson of D. reported the first named bill with several amendments, and reported progress on the two last named bills, and asked leave to sit again; which leave was refused by the House.

The House concurred generally in the amendments made in committee of the whole to the first named bill.

Mr. Sweetser moved further to amend the first named bill by the addition of the following as a section thereto, to wit:

That the persons who have paid a tax upon lands for the last year, which have not been entered five years previous to the first Monday of May last, shall receive a credit by the collectors of the several counties for their taxes for the year 1827 on said lands, and the said collectors shall make a list of the same, which shall be credited to him and certified in the same manner as delinquencies now are; which was decided in the negative.

Mr. Lemon moved further to amend said bill by the addition of the following at the end of the section, to wit:

And that so much of the revenue law now in force as authorizes a tax to be levied on brass clocks, be and the same is hereby repealed.

Mr. Hurst moved to amend the proposed amendment by inserting after the word "clocks," as follows: "gold, silver and pinch back watches;" which was carried in the affirmative.

And the ayes and noes being required on the adoption of the proposed amendment as amended, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Hurst, Slaughter and Ketcham—3.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bul-

lock, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnston of K., Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Pierce, Ray, Read, Restine, Richardson, Roberts, Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—53.

And so said motion was decided in the negative.

Mr. Johnston of K. moved further to amend said bill by adding after the word "figures" in the 6th section, the words "for gain;" which was carried in the affirmative.

Mr. Read then moved further to amend said bill by adding the following as an additional section thereto, to wit:

That for the purpose of raising a county revenue the boards of justices of the counties of Daviess and Martin, or the persons doing county business in their discretion, shall levy such taxes on horses, asses and mules over the age of three years, not exceeding fifty cents per head, and on covering horses not exceeding the rate per season for one mare, and on work oxen over the age of three years not exceeding thirty-seven and a half cents, and on pleasure carriages not exceeding fifty cents, on town lots not exceeding fifty cents, on land not exceeding the tax for state purposes, on brass clocks not exceeding fifty cents, on gold watches not exceeding fifty cents, on silver watches not exceeding twenty five cents, and on pinch back watches not exceeding twelve and a half cent; any thing in the act to which this is an amendment, approved February 12th 1825, to the contrary notwithstanding; and that so much of the fifteenth section of the said act as comes within the purview of this act, be, and the same is hereby repealed; which was decided in the negative.

Mr. Ally then moved further to amend said bill by adding the following as a proviso to the section, to wit:

Provided however. That nothing in this act, nor the act to which this is an amendment shall be so construed

as to authorize the lister to list any horse, mule or ass that shall not exceed ten dollars in value, to be decided by the lister.

Mr. Craig moved to amend the proposed amendment by adding at the end, the words "and county board of justices;" which was decided in the negative.

Mr. Beckes moved to strike out ten and insert fifteen; which was decided in the negative.

Mr. Ally's amendment was then adopted by the House.

Mr. Johnston of K. moved further to amend said bill by the following as an additional section, to wit:

SEC. That so much of the revenue laws of this state, or any other statute law as requires a tax of fifty cents to be paid on original law process be, and the same is hereby repealed.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Clendenin, Ferris, Hoover, Jackson of D., Jackson of V., Johnston of K., Levenworth, Slaughter, Sweetser, Test, Wallace, Work and Moore, Sp'r.—14.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Craig, Daniel, Elliott, Fitzgerald, Gray, Hanna, Hays, Hillis, Howk, Hurst, Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Sargeant, Spann, Stevens, Watts and Wilson—11.

And so said motion was decided in the negative.

Mr. Morgan moved further to amend said bill by adding the following as a proviso to the first section, to wit:

Provided however, That hereafter no poll tax shall ever be levied and collected from any person over fifty years of age; any law or usage to the contrary notwithstanding.

Mr. Test moved to strike out the word "fifty" in the proposed amendment, and insert "sixty;" which was carried in the affirmative.

Mr. Beckes moved to add at the end of said amendment the words "provided such person be not the owner of property either real or personal to the amount of 100 dollars; which was decided in the negative.

Mr. Morgan's amendment as amended was then adopted by the House.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Matlock moved to postpone indefinitely the further consideration of the bill to change the time of the meeting of the General Assembly; which was carried in the affirmative.

Mr. Hoover moved to postpone indefinitely the further consideration of the bill amendatory to the several acts for assessing and collecting the revenue.

The House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 17, 1827.

The House met pursuant to adjournment.

Mr Claypool from the committee on the affairs of the state prison, to which was referred the petition of Geo. White, made the following report, to wit:

Mr. Speaker,

Your committee to whom the petition, account and accompanying documents of George White, former agent of the state prison were referred, have had that subject under their consideration, and are of opinion the following items in his account are just and ought to be allowed, to wit:

The state of Indiana to George White Dr.

Feb. 16th 1822, To ferriage of Mr. Gray over
and back, and tobacco &c. \$0 37½

do. 26	To ferriage of Mr. Gray over and back	0 25
do. 28	To same	0 25
March 18	To same	0 25
do. 21	To same	0 25
do. 18	To same, hhd. tobacco	0 75
Dec. 1824	To interest on cash advanced till time of being paid back	4 50
1826	amount paid justice of the peace in suit of J. W. Fulton	2 52
Sept. 6th	The amount paid Thomas Carr sheriff on execution as per his receipt	33 20
	To amount paid John H. Farnham for defending suit of J. W. Fulton in circuit court	5 00
		<hr/>
		\$47 34½

Contra Credit.

Nov. 1822,	By one basket,	0 75
1823	By amount of old account of Mr. Crofts omitted in the account rendered of my agency	1 12½
		<hr/>
		\$1 87½

Ballance due said White \$45 47

There are also a few other items in the said White's account for ferriage since 10th of April 1826, and a claim for his services as agent from the 1st April 1823, to the 5th of August of the same year, which, from the documents now before your committee, it would in their opinion be improper to allow; and in pursuance of the above account, your committee herewith submit a resolution directing the committee of ways and means to make an allowance in favor of said White of \$45 47 in the specific appropriation bill; which was concurred in by the House. And,

On motion of Mr. Claypool,

Resolved, That the committee of ways and means be directed to make an allowance of \$45 47 in favor of

George White, former agent of the state prison in the bill making specific appropriations for the year 1827.

Mr. Johnston of K. moved to take up the report of the Auditor and Treasurer of state made on Monday last, and refer the same to the same select committee to which was referred the resolutions of Mr. McKinney; which was carried in the affirmative.

Mr. Matlock moved to take up the resolution presented by Mr. Johnston of K., relative to the adjournment of the legislature on Wednesday the 24th instant; which was decided in the negative.

On motion of Mr. Stevens,

Resolved. That the clerk inform the Senate that the House of Representatives will not have any farther use for a sergeant at arms during the present session.

Mr. Fitzgerald after having obtained leave, presented a bill to provide for building certain bridges; which was twice read, the rule having first been dispensed with.

Mr. Morgan moved to amend said bill by the addition of the following as a second section thereto, to wit:

SEC. 2d. That Rezin Davis of Shelby county, be, and he is hereby appointed a commissioner on the state road from Rushville to Indianapolis, in the place of Ashbel Stone; which was carried in the affirmative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed an engrossed bill of the House of Representatives entitled an act respecting the Knox county seminary, with an amendment. They have also passed original bills of the following titles, to wit:

1st. An act declaring the east fork of Whitewater river a public highway.

2d. An act incorporating the Washington county seminary.

3d. An act to legalize the proceedings of the board of justices of Greene county at a special session held on the 13th day of May 1826.

4th. An act to amend an act to establish a state road from Terre-Haute to Fort Wayne—approved January 11, 1823. They have also passed an engrossed bill of the House of Representatives entitled :

An act to amend the act declaring certain streams therein named public highways. And,

A joint resolution to provide a system for the establishment of primary schools ; in which amendment to the first named bill, and in the passage of the other bills and joint resolution, the concurrence of the House of Representatives is requested.

The House refused to agree to the amendment proposed by the Senate, to the bill respecting the Knox county seminary.

Ordered, That the clerk inform the Senate thereof.

The 1st. 2d. 3d. and 4th. named bills from the Senate were read the first time and passed to a second reading to morrow.

The joint resolution to provide a system for the establishment of primary schools, was read the first time ;

When,

Mr. Hurst moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Bullock, Burnett, Chamberlin, Craig, Ferris, Hoover, Hawk, Hurst, Jackson of D., Johnston of K., Lemon, Little, Lewis of W., Lomax, Marshall, Martin, Matlock, Ray, Restine, Sargeant, Stevens, Sweetser, Test and Work—24.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Claypool, Clendenin, Daniel, Elliott, Gray, Hanna, Hays, Hillis, Jackson of V., Johnson of P., Ketcham, Levenworth, Long, M'Kinney, Morgan, Piercy, Read, Richardson, Roberts, Slaughter, Spann, Wallace, Watts, Wilson and Moore, Sp'r.—30.

And so said motion was decided in the negative.

Said joint resolution passed to a second reading to-morrow.

Mr. Lewis of W. from the joint committee for enrolled bills, reported as follows:

Mr. Speaker,

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills, entitled Acts, to wit:

An act to authorize Robert R. Roberts and others, to keep a public ferry on the West Fork of White river in Owen county.

An act to amend the act concerning salt springs in Orange county—approved January 20th 1826.

An act to repeal part of an act entitled, An act providing the mode of opening and repairing public roads and highways, in certain counties therein named—approved January 21st 1826.

An act to repeal part of the act entitled, an act to amend an act entitled, An act for opening public roads and highways—approved February 12th 1825, and for other purposes. And,

An act to amend the act declaring certain streams therein named public highways, and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The House proceeded to consider the orders of the day.

The bill legalizing the proceedings of the board of justices of Franklin county and for other purposes—the bill respecting the supervisors of public highways and for other purposes—and the bill to vacate a part of the state road from Liberty in Union county, to New Castle in Henry county, were read a second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate, entitled An act for the benefit of Jesse Jackson, late collector of Scott county, was read a third time.

The question being put. Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Chamberlin, Claypool, Clendenin, Daniel, Elliott, Gray, Hanna, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Long, Marshall, Morris, Read, Roberts, Sargeant, Slaughter, Sweetser, Test and Moore, Sp'r.
—27.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Bullock, Burnett, Craig, Ferris, Hoover, Howk, Johnston of K., Lemon, Levenworth, Little, Lewis of F., Lewis of W., M'Kinney, Martin, Matlock, Morgan, Piercy, Ray, Restine, Spann, Stevens, Wallace, Watts, Wilson and Work
—27.

And so said bill did not pass.

The engrossed bill to authorize Franklin F. Sawyer to sell and convey certain real estate, and the engrossed bill to organize the county of Delaware, were read a third time and passed.

Ordered, That the same be entitled Acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The House resumed the consideration of the motion made on yesterday, to postpone indefinitely the further consideration of the bill amendatory of the several acts, for assessing and collecting the revenue.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Clendenin, Claypool, Craig, Elliott, Ferris, Hillis, Hoover, Howk, Johnston of K., Lewis of F., Lewis of W., Lemon, Lomax, M'Kinney, Sargeant, Slaughter, Watts, Work and Moore, Sp'r.—21.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Bullock, Chamberlin, Daniel, Fitzgerald, Gray, Hanna, Hays, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Long, Marshall, Martin, Matlock, Mor-

gan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Spann, Sweetser, Test, Wallace and Wilson—33.

And so said motion was decided in the negative.

Mr. Read then moved to postpone the further consideration of said bill, until the first Monday in December next.

And debate arising thereon, Mr. Craig called for the previous question, the call being seconded by three members, the said previous question was then put, in the form prescribed by the rules of the House, that is to say: Shall the main question be now put?

And it passed in the affirmative.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House proceeded to consider the bill amendatory to the several acts for assessing and collecting the revenue, which was under consideration when the House adjourned in the forenoon.

The main question, that is to say: Shall said bill be engrossed for a third reading? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Bullock, Chamberlin, Fitzgerald, Gray, Hanna, Hays, Hurst, Jackson of V., Johnson of P., Levenworth, Little, Long, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Spann, Sweetser, Test, Wallace and Wilson—31.

And those who voted in the negative are,

Messrs. Brown, Burnett, Claypool, Clendenin, Craig, Elliott, Ferris, Hillis, Hoover, Howk, Jackson of D., Johnston of K., Ketcham Lemon, Lewis of F., Lewis of W., Lomax, M'Kinney, Slaughter, Stevens, Watts, Work and Moore, Sp'r.—23.

And so said bill was ordered to be engrossed and

read a third time, and to-morrow was assigned for the third reading of said bill.

Mr. Craig then moved to consider said bill as engrossed, and that the same be read a third time now; which was carried in the affirmative.

Said bill was then read a third time: When,

Mr. Read moved to re commit said bill to a committee of the whole House to-morrow; which was decided in the negative.

Debate arising, Mr. Hillis called for the previous question; and the call being seconded by three members—the said previous question was put in the form prescribed by the rules of the House, that is to say: Shall the main question be now put? and it passed in the affirmative.

The said main question, Shall said bill pass? was then put?

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Bullock, Chamberlin, Fitzgerald, Gray, Hays, Johnson of P., Long, Matlock, Morgan, Morris, Richardson, Spann, Sweetser, Test, Wallace and Wilson—19.

And those who voted in the negative are,

Messrs. Beckes, Brown, Burnett, Claypool, Clendenin, Craig, Elliott, Ferris, Hanna, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Levenworth, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Piercy, Ray, Read, Restine, Roberts, Sergeant, Slaughter, Stevens, Watts, Work and Moore, Sp'r.—37.

And so said bill did not pass.

The House resolved itself into a committee of the whole on the joint resolution giving to certain citizens of Rush county, a credit in the payment of taxes in certain cases: After some time spent therein, the Speaker resumed the chair, and Mr. Jackson of V., reported the same with one amendment.

Said amendment was by striking said resolution out from its resolving clause, and inserting the following in lieu thereof, to wit :

“That those who have paid a tax for the year 1826 on lands which had not been entered five years previous to the first Monday of May last, shall be credited the same for their tax on said lands for the year 1827; and the collectors of the several counties shall make a list of the same, and be credited the amount of the taxes aforesaid, which shall be certified in the same manner as delinquencies are now by law certified, and that the 6th section of a law for assessing and collecting the revenue, approved February 12th. 1825. be and the same is hereby repealed. *Provided however,* That nothing herein contained shall affect any sale of lands heretofore made by any collector of state and county revenue, under the provisions of the several laws of this state.

The ayes and noes being required by two members on the question to concur in said amendment, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Boon, Claypool, Clendenin, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Jackson of D., Levenworth, Little, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Restine, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test and Watts—28.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Bullock, Burnett, Chamberlin, Craig, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Lewis of F., Lewis of W., Lomax, M’Kinney, Read, Roberts, Wilson. Work and Moore, Sp’r.—25.

And so said amendment was concurred in by the House.

The title of said joint resolution, was amended so as to read, “A joint resolution relative to the revenue.”

Ordered, That the same be engrossed and read a third time to morrow.

A message from the Senate by Mr. Earnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives of the following titles, to wit:

An act respecting the state road from the Wabash by the way of the High-Banks on White river to Indianapolis.

An act to improve the navigation of Sand Creek.

An act authorizing Alexander Craig to erect a dam across the west fork of White river, and for other purposes.

An act organizing a county library in the county of Crawford.

An act authorizing John Hammersly to erect a wing dam at the Indian Ford on White river, near Bono in Lawrence county.

An act for the relief of John Carter and Joel Dickson. And,

An act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace; the six first without amendment, and the last with amendments. They have passed the following original bills entitled acts, to wit:

An act to amend an act entitled an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called 3 per cent fund for opening the same, approved, December 31, 1821.

An act to amend an act entitled an act for the settlement of decedents' estates and for other purposes, approved January 26, 1824.

An act to amend an act to establish a state library, approved February 11, 1825.

An act attaching part of the county of Perry to the county of Crawford. And,

An act authorizing an additional sale of lots in the town of Indianapolis and for other purposes—in which several bills, together with the amendments to the bill above named, the concurrence of the House of Representatives is requested.

The House proceeded to consider the amendments proposed by the Senate to the bill of this House, enti-

titled an act to amend the act regulating the jurisdiction and duties of justices of the peace; which was by striking out all of said bill from its enacting clause except the 5th section, and inserting the following in lieu thereof, to wit:

“That in all actions of debt or assumpsit wherein the sum due or demanded, shall be over fifty dollars, and not exceeding one hundred dollars, exclusive of interest and costs, it shall be lawful for the plaintiff to commence his suit either before a justice of the peace of the proper township, or in the circuit court at his discretion, and on the decision of any such action, by a justice of the peace, and an appeal taken thereon to the circuit court, the supreme court shall have appellate jurisdiction, in the same manner as if the same had been originally commenced in the circuit court: *Provided*, That this act shall not be so construed, as to alter or affect the jurisdiction of justices of the peace, in sums not exceeding fifty dollars, as now prescribed by law. In all cases of appeal from the judgment of justices of the peace to the circuit court, said court shall tax the costs of such appeal in such manner as to them shall appear just and reasonable.

Sec. 2. When any judgment may be entered against any defendant in his absence, if he appear within ten days, pay or give security for the costs, and also enter into bond to pay and satisfy the judgment of the court, in that particular case and request, the judgment to be opened, the justice may grant a new trial, and appoint a day therefor, of which the defendant shall notify the plaintiff or his agent, at least six days prior to the day appointed, but stay of execution shall only be prolonged from the day of the former judgment: *Provided however*, If the plaintiff or his agent does not reside within the county, the party applying for such new trial, shall leave a written notice in the office of the justice granting the same, at least ten days previous to the day set for such new trial.

Sec. 3. That hereafter when any person may appeal from the judgment of a justice of the peace, to the circuit court, agreeably to the 17th section of an act regu-

lating the jurisdiction and duties of justices of the peace—approved January 30th 1824, it shall be the duty of the justice granting such appeal, to cause the transcript, bond and other papers connected with said suit, to be delivered to the clerk of the circuit court of the proper county, within twenty days from the time of granting such appeal, and it shall be the duty of the said clerk, to file and docket the same immediately on receipt thereof, agreeably to the provisions of said act, and on failure to prosecute such appeal, the appellant shall forfeit and pay ten per centum on the amount of the judgment so appealed, to be recovered by the appellee, and taxed by the justice before whom the cause was tried. The 13th section and so much of the 17th section of said act, as comes within the purview of this act be, and the same are hereby repealed.

Sec. 4. In all cases where an appeal hereafter may be taken from the judgment of any justice of the peace in this state, and either party should consider himself, herself or themselves aggrieved by the judgment of the circuit court, where the same may amount to the sum of fifty dollars and upwards, such party shall have the right to appeal to the supreme court of this state, in the same manner as if the suit had been originally instituted in the circuit court; any law, usage or custom to the contrary notwithstanding.

Sec. 6. On judgments rendered by justices of the peace, in obedience to the provisions of this act, on the defendants entering good and sufficient security on the justices docket, before whom such judgment was rendered, for the amount of the debt, interest and costs, there shall be a stay of execution if the sum shall exceed fifty dollars, one hundred and fifty days.

Sec. 7. In all cases hereafter determined in the circuit or supreme courts, which originated before a justice of the peace, no attorneys docket fee shall be hereafter taxed or paid in the costs against either party.

Sec. 8. In all suits that may hereafter be instituted before any justice of the peace, it shall be the duty of the justice of the peace to file or cause the plaintiff to file before the issuing of the process, or three days previous

to the trial, a concise statement in writing of his cause of action or nature of the injury which he has sustained, if the same be founded in tort, and in actions founded on contract, express or implied to file his account, bill of particulars, statement of the nature of his demand, note, bond, bill or other writing on which he intends to rely. And if the defendant has any special matter of payment or set off to allege in defence, he shall in like manner before the commencement of the trial, file with the justice a statement thereof, and on the trial the plaintiff shall not be permitted to give evidence of any matter, trespass, injury, demand, contract, item or account, that is not mentioned in his statement, nor shall the defendant be permitted to give evidence of any other matter of payment, than those specified in his defence: *Provided however*, The plaintiff or defendant by the permission of the justice, may amend his cause of action before entering into trial, and in all cases of appeal from the judgment of any justice of the peace, it shall be the duty of such justice, to send up to the circuit court such written statements of the cause of action and defence of the parties, with the transcript and other papers in the cause; which written statement of the cause of action or defence, shall not be set aside by said court, for want of form, but shall be acted upon by such court, without any substantial amendment or alteration.

Sec. 9. Whenever a judgment shall be rendered by a circuit court, in any suit or action brought before said court by appeal from the judgment of a justice of the peace, and the amount in controversy, exclusive of interest and costs, shall exceed twenty dollars, it shall be lawful for either plaintiff or defendant, to procure from the clerk of the circuit court where such appeal was tried and judgment rendered, a transcript of the record of the case, and assign errors of law on the same, and if on exhibiting said transcript with the assignment of errors, to any judge of the supreme court, if said judge shall be of opinion that errors exist in the record and proceedings exhibited, which entitle the party exhibiting the same, to a supersedeas, said judge shall be authorized to grant a supersedeas, subject to the same rules and

conditions on which supersedeas are now granted by the supreme court or any judge of the same, and the supreme court shall have jurisdiction over the case in which said supersedeas shall be granted, as fully to all intents and purposes, as though the action were originally commenced in the circuit court: *Provided*, That in all cases where the amount in controversy, is under fifty dollars and exclusive of interest and costs, if a supersedeas shall be refused, the supreme court shall have no jurisdiction.

Sec. 10. That it shall hereafter be the duty of each and every justice of the peace, to make out a list of all fines and penalties by him assessed on, and collected of each and every individual, and record the said list in a book to be kept for that purpose; and on the first day of each and every session of the board of justices of each county, to return said list of all fines imposed and collected by him, since his last return of the preceding session as herein required, and such list shall be certified under the hand and seal of such justice.

Sec. 11. It shall be the duty of the clerk of the board of justices, to record the said list of fines at full length, in the records of such board; and on the first day of each circuit court in every county, to make out two certified copies of such returns, one of which he shall deliver to the prosecuting attorney of his county or circuit, and the other he shall deliver to the trustees of the public seminary of the county; and should any clerk or justice of the peace, refuse or neglect to comply with this requisition, he shall be liable upon conviction thereof, by presentment or indictment, to a penalty not less than twenty dollars; and if any justice of the peace shall certify to a false list or statement of fines as aforesaid, such justice on conviction, shall be held guilty of perjury and be liable to the pains and penalties thereof.

Sec. 12. Hereafter no attorney at law who shall hold the commission of a justice of the peace, shall be permitted to appear or act as an attorney, before any other justice of the peace, or to appear and act as an attorney in any circuit court, on appeals taken from his judgments or the judgment of any other justice of the peace, in the

county where said attorney may be commissioned as such justice."

And the ayes and noes being required by two members, on the question to agree to said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Bullock, Chamberlin, Claypool, Cleddenin, Craig, Elliott, Ferris, Gray, Hanna, Hays, Hoover, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Restine, Roberts, Sergeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Wilson and Moore, Sp'r.—41.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Burnett, Fitzgerald, Hawk, Hurst, Johnston of K., Lemon, Little, Read and Watts—12.

And so said amendment was concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

The House adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 18, 1827.

The House met pursuant to adjournment.

Mr. Morris presented a petition of Jonathan Hadley and others, of Hendricks county, praying the re-location of the road from Indianapolis to Crawfordsville; which was referred to the same committee of the whole House, to which was committed the bill to locate a state road from Indianapolis to Crawfordsville.

Mr. Bullock, from the joint committee for enrolled bills reported—That they did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled Acts, to wit:

An act for the formation of a new county out of the county of Wabash. And,

An act to incorporate the county seminary of Harrison county.

The engrossed bill from the Senate, entitled An act to provide for an additional sale of lots in the town of Indianapolis, and for other purposes, was twice read, the rule having first been dispensed with; when,

Mr. Martin moved to postpone the further consideration thereof indefinitely: which was decided in the negative.

Said bill was then committed to the same committee of the whole House, to which the bill of this House on the same subject was committed.

The engrossed bill from the Senate, entitled An act to amend the act to establish a state library, was read the first time; when,

Mr. Stevens moved to reject said bill; which was carried in the affirmative.

Mr. Martin moved to re-consider the vote taken, on the passage of the bill from the Senate, entitled An act for the benefit of Jesse Jackson, late collector of Scott county; which was carried in the affirmative.

The question being then put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Chamberlin, Claypool, Clendenin, Daniel, Elliott, Ferris, Gray, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Long, Lomax, Marshall, Martin, Matlock, Morgan, Morris, Restine, Richardson, Roberts, Sergeant, Slaughter, Sweetser, Test, Work and Moore, Sp'r.—32.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Bullock, Burnett, Craig, Hoover, Howk, Johnston of K., Lemon, Levenworth, Little, Lewis of F., Lewis of W., M'Kinney,

Piercy, Ray, Stevens, Spann, Wallace, Watts and Wilson—22.

And so said bill passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate, entitled An act attaching a part of the county of Perry to the county of Crawford—the engrossed bill from the Senate, entitled An act to amend the act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening the same—approved December 31, 1824—and the engrossed bill from the Senate, entitled An act to amend an act for the settlement of decedents' estates, and for other purposes—approved January 26, 1824, were read the first time and passed to a second reading to-morrow.

The engrossed bill from the Senate, entitled An act incorporating the Washington county seminary—and the engrossed bill from the Senate, entitled An act declaring the East Fork of Whitewater river a public highway, were read a second time and passed to a third reading to-morrow.

The engrossed joint resolution from the Senate, providing a system for the establishment of primary township schools, was read a second time; when,

Mr. Ferris moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being demanded thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bullock, Burnett, Chamberlin, Elliott, Ferris, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnston of K., Lemon, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Ray, Restine, Sargeant, Spann, Stevens, Sweetser, Test and Work—27.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hanna, Hays, Johnson of P., Ketcham, Levenworth,

Little, Long, M'Kinney, Morgan, Morris, Piercy, Read, Richardson, Roberts, Slaughter, Wallace, Watts, Wilson and Moore, Sp'r.—30.

And so said motion was decided in the negative.

Mr. Stevens moved to amend said joint resolution, by striking out the name of John H. Farnham and insert "the Governor, Auditor of Public Accounts, Secretary and Treasurer of State."

A division of the question being called for, the question was taken on striking out the name of John H. Farnham; which was carried in the affirmative.

Mr. Read then moved to postpone the further consideration thereof until the first monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Brown, Bullock, Burnett, Chamberlin, Claypool, Daniel, Elliott, Ferris, Hoover, Howk, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Little, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Ray, Read, Restine, Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts and Work—35.

And those who voted in the negative are,

Messrs. Ally, Bassett, Clendenin, Craig, Fitzgerald, Gray, Hanna, Hays, Hillis, Hurst, Johnson of P., Levenworth, Long, M'Kinney, Morgan, Morris, Piercy, Richardson, Roberts, Slaughter, Wilson and Moore, Sp'r.—22.

And so said motion was carried in the affirmative.

The engrossed bill from the Senate entitled an act to amend the act to establish a state road from Terre-Haute to Fort Wayne, approved January 11th, 1823, was read a second time and committed to a committee of the whole House to-morrow.

The engrossed bill to amend the several acts now in force relative to assessing and collecting the revenue; the engrossed bill to vacate a part of the state road from Liberty in Union county, to New-Castle in Henry county; the engrossed bill to provide for building cer-

tain bridges and for other purposes ; and the engrossed bill legalizing the proceedings of the board of justices of Franklin county and for other purposes ; were severally read a third time and passed.

Ordered, That the same be entitled Acts, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill from the Senate entitled an act to legalize the proceedings of the board of justices of Greene county, at a special session held on the 13th day of May 1826, was read a second and third times, the rule having first been dispensed with, and passed.

Ordered, That the clerk inform the Senate thereof.

The House resolved itself into a committee of the whole, on the bill to encourage the killing of wolves : After some time spent therein, the Speaker resumed the chair, and Mr. Johnston of P. reported the same with several amendments ; which were concurred in by the House.

Mr. Stevens moved to amend said bill by striking it out from its enacting clause, and inserting the following in lieu thereof, to wit :

That it is hereby made the duty of the several boards of justices of the peace, or other persons doing county business in the several counties in this state, at their first term after the passage of this act, or so soon thereafter as they may deem it expedient, to fix, grant and allow by a general order by them made and entered upon their records, such reward for wolf scalps as they shall deem expedient, payable out of the treasury of their county, agreeably to the provisions of this act.

SEC. 2. The reward allowed as aforesaid for wolf scalps, shall not exceed the following rates, viz : For every wolf supposed to be six months old or upwards, killed or taken within the county where the person killing or taking any such wolf, may apply for the reward allowed by this act, or in the state within eight miles of such county line, or any adjoining territory not organized into a county, the sum of one dollar and fifty cents, and for every wolf killed or taken as aforesaid, supposed to be under the age of six months, the sum of one dol-

lar. And it shall be the duty of the person who may kill or take any wolf in manner and form aforesaid, if he wishes to obtain the reward allowed by this act, within twenty days after the taking or killing as aforesaid, to produce the scalp of the wolf, with both ears thereon, to some justice of the peace of the proper county where he may apply by the provisions of this act, for the reward as aforesaid, and make oath or affirmation, that the scalp by him so produced to such justice of the peace, was taken off a wolf by him killed or taken, within any such county or within the state, in eight miles of the line of said county, or adjoining territory not organized into a county, and that he believes the wolf from which such scalp was taken, to have been at the time of killing or taking as aforesaid, six months old, (or upwards or under six months of age, as the case may be,) and that he has not spared the life of any wolf within his power to kill, with a design to increase the number of wolves; which said oath or affirmation, shall be administered by such justice of the peace, and shall be in writing signed by the party making the same, and be certified by such justice of the peace, and by him delivered to the person entitled to the reward.

Sec. 3. It shall be the duty of the board of justices of the peace, or other persons doing county business of the proper county, upon the production to them in term time, of any such oath or affirmation, by the person making the same, to grant to such person an order on the treasury of their county, in the usual form of their county orders, for the amount of reward due to such person; and such order shall express on the face, the precise consideration for which it is given, and shall be payable at the treasury department of the proper county, and be received by the collectors of county taxes, for the county in payment of county taxes in the same way and manner that other county orders in any such county, may and shall be payable and receivable.

Sec. 4. All oaths or affirmations so produced as aforesaid, to any board of justices of the peace, or persons doing county business in any county, shall be by

their clerk carefully filed away and preserved in his office.

This act shall take effect and be in force, from and after the first day of April next.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to encourage the killing of wolves, and the amendments proposed thereto by Mr. Stevens.

Mr. Bullock moved further to amend said bill, by the addition of the following at the end of section, to wit:

"And it shall be lawful for the boards of justices to make such additional allowances, to be paid out of the county treasury of each county, upon the evidences hereinafter mentioned, as they shall deem expedient, not exceeding two dollars for each scalp of a grown wolf under the age of six months;" which was decided in the negative.

Mr. Hillis moved further to amend said bill by the addition of the following, as a proviso to section, to wit: "*Provided*, That nothing in this act shall be so construed, as to extend to prairie wolves."

Mr. Read moved to amend the proposed amendment, so as fifty cents may be allowed for prairie wolf scalps.

And debate arising thereon, Mr. Hurst called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of the House, that is to say: Shall the main question be now put? And it was decided in the negative.

On motion of Mr. Sweetser,

The committee of the whole to whom was committed the bill for the relief of master builders and mechanics, were discharged from the further consideration thereof.

Mr. Martin then moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being demanded thereon by two members, the same are follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Clendenin, Daniel, Ferris, Hillis, Howk, Hurst, Jackson of V., Ketcham, Little, Lewis of F., Lewis of W., M'Kinney, Martin, Sargeant, Spann, Stevens, Sweetser, Test, Wallace and Watts—24.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Burnett, Claypool, Craig, Elliott, Fitzgerald, Gray, Hanna, Hays, Hoover, Jackson of D., Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lomax, Marshall, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Slaughter, Wilson and Moore, Sp'r.—30.

Mr. Lemon moved to re-commit said bill to a committee of the whole House now.

Mr. Hillis then moved to postpone the further consideration of said bill until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Chamberlin, Daniel, Ferris, Hillis, Howk, Hurst, Jackson of V., Ketcham, Little, Lewis of F., Lewis of W., M'Kinney, Martin, Read, Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts and Work—25.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Burnett, Chamberlin, Claypool, Craig, Elliott, Fitzgerald, Gray, Hanna, Hays, Hoover, Jackson of D., Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lomax, Marshall, Matlock, Morris, Piercy, Ray, Restine, Richardson, Roberts, Slaughter, Wilson and Moore, Sp'r.—30.

And so said motion was decided in the negative.

The question recurring on Mr. Lemon's motion to re-commit said bill to a committee of the whole House now, the same was carried in the affirmative.

The House according to order resolved itself into a committee of the whole, on said bill: After some time

spent therein—the Speaker resumed the Chair, and Mr. Johnston of Knox, reported the same with one amendment; which was by filling the first blank in said bill, with the year 1876, the time when the same should take effect.

And the ayes and noes being required by two members, on the question to concur in said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Clendenin, Ferris, Hillis, Hawk, Hurst, Jackson of V., Ketcham, Little, Lewis of F., Lewis of W., M'Kinney, Martin, Sargeant, Spann, Stevens, Sweetser, Test, Wallace, Watts and Work—24.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Burnett, Chamberlin, Claypool, Craig, Elliott, Fitzgerald, Gray, Hanna, Hays, Hoover, Jackson of D., Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lomax, Marshall, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Slaughter, Wilson and Moore, Sp'r.—32.

And so said amendment was not concurred in by the House.

Mr. Gray moved to amend said bill by filling the blank in the first section, with the first day of July, 1827; which was carried in the affirmative.

Mr. Bullock moved further to amend said bill, by adding the following at the end of section, to wit:

“And laborers who shall hereafter be employed by any person upon contract for clearing lands, shall have and maintain a lien upon such lands, until such contract be satisfied.”

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Daniel, Ferris, Hillis, Hawk, Hurst, Jackson of V., Ketcham, Little, Lewis of F., Lewis of W., M'Kinney, Martin, Sargeant, Spann, Sweetser, Test, Wallace and Work—22.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Burnett, Chamberlin, Claypool, Clendenin, Craig, Elliott, Fitzgerald, Gray, Hanna, Hays, Hoover, Jackson of D., Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lomax, Marshall, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Slaughter, Stevens, Watts, Wilson and Moore, Sp'r.—35.

And so said motion was decided in the negative.

Mr. Hurst moved further to amend said bill by inserting after the word "builder." in the first section, the words "journeymen and all other persons contracting upon any subject or for any purpose whatever, either in law or equity."

Mr. Stevens moved to amend the amendment, by adding that lawyers and physicians shall have a lien on their employers.

Debate arising thereon, Mr. Beckes called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of the House, that is to say: Shall the main question be now put? And it passed in the affirmative.

The said main question, to wit: Shall said bill be engrossed and read a third time to-morrow? was then put, and it was decided in the negative.

And so said bill was lost.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate insist on the amendment proposed by them, to the engrossed bill of the House of Representatives, entitled An act respecting the Knox county seminary.

They have passed the following bills, entitled Acts, to wit:

1st. An act to amend an act entitled, An act for opening and repairing public roads and highways, in certain counties therein named—approved January 12, 1826.

2d. An act to legalize the proceedings of the executors of William Ballard, deceased. And,

31. An act to amend an act entitled, An act to license and regulate taverns; in which they request the concurrence of the House of Representatives.

On motion of Mr. Beckes,

Resolved, That this House insist on their disagreement to the proposed amendment of the Senate to the bill respecting the Knox county seminary.

Ordered, That the clerk inform the Senate thereof.

The first named bill from the Senate was read the first and second times, the rule having first been dispensed with; When,

Mr. Boon moved to postpone the further consideration thereof indefinitely; which was decided in the negative.

Said bill was then ordered to a third reading to-morrow.

The second named bill from the Senate was read the first time and passed to a second reading to-morrow.

The third named bill from the Senate, to wit: To amend an act entitled an act to license and regulate taverns, was read the first time: When,

Mr. Boon moved to reject the same.

And debate arising thereon, Mr. Lewis of F. called for the previous question, and the call being seconded by three members; the said previous question was put in the form prescribed by the rules of this House, that is to say: Shall the main question be now put? and it was carried in the affirmative.

The said main question to wit: Shall said bill be rejected? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Brown, Bullock, Chamberlin, Clendenin, Craig, Ferris, Hanna, Hoover, Jackson of D., Jackson of V., Johnson of P., Ketcham, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Matlock, Restine, Roberts, Sargeant, Spann, Sweetser, Test, Wallace, Watts, and Wilson—30.

And those who voted in the negative are,

Messrs. Ally, Bassett, Burnett, Claypool. Daniel, Elliott, Fitzgerald, Gray, Hays, Hillis, Howk, Hurst, Johnston of K., Lemon, Levenworth, Long, Martin, Morgan, Morris, Piercy, Ray, Read, Richardson, Slaughter, Stevens, Work and Moore, Sp'r.—27.

And so said motion was carried in the affirmative.

On motion of Mr. Sweetser,

The committee of the whole House to which was committed the bill to vacate a part of Evans' enlargement of the town of Princeton, was discharged from the further consideration thereof.

Said bill was then considered as engrossed, read a third time and passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

On motion of Mr. Bullock,

The committee of the whole House to which was committed the bill the better to establish the mode of taking up estrays, was discharged from the further consideration thereof. And,

On motion of Mr. Read,

The further consideration of said bill was indefinitely postponed.

The House resolved itself into a committee of the whole, on the bill to define the boundary line between the counties of Clark and Washington: After some time spent therein, the Speaker resumed the chair, and Mr. Ketcham reported the same with one amendment; which was concurred in by the House. And,

On motion of Mr. Martin,

The further consideration of said bill was indefinitely postponed.

The House adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, JANUARY 19, 1827.

The House met pursuant to adjournment.

The Speaker laid before the House, the following communication from B. I. Blythe, agent of the state for the town of Indianapolis. to wit:

AGENT'S OFFICE, }
JANUARY 18th, 1827. }

The Hon. Members of the H. of Representatives:

GENTLEMEN—The term for which the improved lands on the donation were rented has expired, and with it the law under which they were rented. There are two large fields on the donation that would rent much better if they were divided, and if you will authorize me to do it, I will have it attenden to.

B. I. BLYTHE. *Agent for Indianapolis.*

Which was referred to the same committee of the whole House to which was committed a bill authorizing an additional sale of lots in the town of Indianapolis.

Mr. Ferris, from the committee of ways and means, reported a bill making specific appropriations for the year 1827; which was twice read, the rules having been dispensed with, and committed to a committee of the whole House on to morrow.

On motion of Mr. Richardson.

Resolved, By the House of Representatives, that the judiciary committee be, and they are hereby instructed to inquire into the expediency of so amending the law authorizing domestic attachments—approved January 2nd 1824: as to compel each claimant before he files his claims to give bond with approved security, in double the amount of his demand, payable to the defendant or defendants, his or their agents or attorney, in the same manner as the person who first sues out the attachment.

Mr Bullock, from the joint committee for enrolled bills, submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills did on this day present to his Excellency the Governor. for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to amend the act concerning salt springs in Orange county, approved January 20, 1826.

An act to repeal part of an act entitled an act providing the mode of opening and repairing public roads and highways in certain counties therein named, approved January 21, 1826.

An act to authorize Robert R. Roberts and others to keep a public ferry on the west fork of White river in Owen county.

An act to amend the act declaring certain streams therein named public highways. And,

An act to repeal part of the act entitled an act to amend an act entitled, an act for opening public roads and highways, approved February 12th, 1825, and for other purposes.

Mr. Beckes presented a petition of Robert Patterson of Marion county, praying additional allowance for fuel furnished the present General Assembly; which was referred to the same committee of the whole to which was committed the bill making specific appropriations for the year 1827.

Mr. Ketcham after having obtained leave, presented a bill to amend the act entitled, an act for the appointment of constables and defining their duties; which was read the first time and passed to a second reading to-morrow.

Mr. Lewis of W., from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled acts, to wit:

An act for the relief of Jesse Jackson late collector of the revenue for Scott county.

An act authorizing John Hammersly to erect a wing dam at the Indian Ford on White river, near Bono in Lawrence county.

An act to improve the navigation of Sand creek.

An act authorizing Alexander Craig to erect a dam across the west fork of White river and for other purposes.

An act organizing a county library in the county of Crawford.

An act respecting the state road from the Wabash by the way of the High Banks on White river to Indianapolis.

An act for the relief of John Carter and Joel Dickson. And,

An act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace; and find the same truly enrolled. When,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Hays moved to take up the bill for the relief of Henry Anderson late collector of Parke county; which was carried in the affirmative. When,

Mr. Hays moved to amend said bill by adding the following as a first and second section thereto, to wit:

Sec. 1. The inhabitants residing in the county of Wabash in the year 1824, that was attached to the county of Parke for judicial purposes, were liable to be taxed for state and county purposes.

Sec. 2. That the collector of taxes for Parke county in the year 1824, shall have full and complete power to collect the residue of state and county taxes, to him unpaid from the inhabitants of said county of Wabash for the year 1824; and the same powers and authority is hereby granted to him as are given to all collectors of taxes; which carried in the affirmative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate entitled an act legalizing the proceedings of the executors of William Ballard deceased, was read a second time and committed to a committee of the whole House to morrow.

The engrossed bill from the Senate entitled an act to amend the act for the settlement of decents' estates and for other purposes, approved January 26, 1824; was read a second time and committed to the same committee of the whole House to which was committed the bill

organizing probate courts and defining their powers and duties.

The engrossed bill from the Senate to amend the act entitled an act for opening and repairing public roads and highways in certain counties therein named, approved January 12th, 1826—the engrossed bill from the Senate entitled an act declaring the east fork of White-water river a public highway—and the engrossed bill from the Senate entitled an act incorporating the Washington county seminary; were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up and proceeded to consider the bill to encourage the killing of wolves and the several amendments proposed thereto.

Mr. Read's proposed amendment to Mr. Hillis' amendment, was not adopted by the House.

On the question to adopt the amendment proposed by Mr. Hillis the same was carried in the affirmative.

A division of the question being called for on Mr. Steven's motion to amend by striking out and inserting, the question was taken on striking out said bill from its enacting clause.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes. Brown, Burnett, Claypool, Elliott, Hoover. Howk, Hurst, Johnston of K., Lemon, Little, Lewis of F., Lewis of W., Lomax, Martin, Ray, Richardson, Sargeant, Spann, Stevens, Wallace, Work and Moore, Sp'r.—24.

And those who voted in the negative are,

Messrs. Ally, Boon, Bullock. Chamberlin, Clendenin, Craig, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Long, M'Kinney, Matlock, Morgan, Morris, Piercy, Read, Restine, Roberts, Slaughter, Sweetser, Test, Watts and Wilson—32.

And so said bill was not amended as proposed by Mr. Stevens.

Mr. Chamberlin moved further to amend said bill by adding the following at the end of section, to wit:

That any person is hereby authorized to kill any dog or slut that may be found in the act of killing or molesting any sheep or other stock running at large or otherwise, and any person so killing shall be in no wise liable by action or suit for the killing of such dog or dogs.

Mr. Beckes then moved to lay said bill and proposed amendment on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Brown, Burnett, Claypool, Elliott, Hoover, Howk, Hurst, Johnston of K., Lemon, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Ray, Sargeant, Spann, Stevens, Test, Wallace, Work and Moore, Sp'r.—24.

And those who voted in the negative are,

Messrs. Ally, Boon, Bullock, Chamberlin, Clendenin, Craig, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Long, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson, Roberts, Sweetser Watts and Wilson—31.

And so said motion was decided in the negative.

Mr. Lomax moved to re-commit said bill to a committee of the whole House to-day.

And debate arising thereon, Mr. Claypool called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of this House, that is to say: Shall the main question be now put? and it was carried in the affirmative.

The said main question to wit: Shall said bill be engrossed and read a third time to-morrow? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Bullock, Chamberlin, Craig,

Daniel, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Long, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson, Roberts, Slaughter, Sweetser, Watts and Wilson—30.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Burnett, Claypool, Clendenin, Elliott, Hoover, Howk, Hurst, Johnston of K., Lemon, Little, Lewis of F., Lewis of W., Lomax, M'Kiuney, Martin, Ray, Sargeant, Spann, Stevens, Test, Wallace, Work and Moore, Sp'r.—26.

And so said bill was ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the Senate entitled an act attaching a part of the county of Perry to the county of Crawford, was twice read, the rule having first been dispensed with, and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate to amend an act entitled, an act for laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent fund for opening the same, approved, was read a second time and passed to a third reading to morrow.

The engrossed bill respecting supervisors of public highways and for other purposes, was read a third time; When,

Mr. Matlock moved to re-commit said bill to a committee of the whole House now; which was carried in the affirmative.

The House according to order resolved itself into a committee of the whole on said bill: After some time spent therein, the Speaker resumed the chair, and Mr. Lemon reported the same with one amendment.

Mr. Morgan moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Bullock, Clendenin, Elliott,

Hays, Hillis, Jackson of D., Jackson of V., Lewis of W., Lomax, Martin, Morgan, Piercy, Restine, Spann, Test, Wallace and Moore, Sp'r.—19.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Chamberlin, Claypool, Craig, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hoover, Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Matlock, Morris, Ray, Read, Richardson, Roberts, Sargeant, Slaughter, Stevens, Sweetser, Watts, Wilson and Work—34.

And so said motion was decided in the negative.

Mr. Ray moved to amend said bill by the addition of the following at the end of section, to wit :

That each supervisor elected or appointed under the provisions of this act, or the act to which this is an amendment, shall receive as a compensation for his services fifty cents a day for each day that such supervisor may be engaged in warning and calling out the hands to work on public roads and highways, to be allowed by the board of justices or the board doing county business, and to be paid out of the county treasury. And that all laws and parts of laws exempting supervisors from military duty and serving on juries, be and the same is hereby repealed.

And debate arising thereon, Mr. Beckes called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of this House, that is to say : Shall the main question be now put? and it was carried in the affirmative.

The said main question to wit: Will the House concur in the amendments made to said bill in committee of the whole? was then put, and it passed in the affirmative.

The question being then put, Shall said bill be engrossed and read a third time to-morrow; the same was decided in the negative.

And so said bill was lost.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed joint resolution respecting the revenue, was read a third time.

The question being put, Shall said joint resolution be adopted?

And the ayes and noes being demanded thereon by two members, the same are follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Chamberlin, Claypool, Clendenin, Daniel, Elliott, Ferris, Hays, Jackson of D., Jackson of V., Levenworth, Little, Long, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Sargeant, Stevens, Sweetser, Test, Wallace, Watts and Moore, Sp'r.—29.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Bullock, Burnett, Craig, Hillis, Hoover, Hawk, Horst, Johnston of K., Ketcham, Lemon, Lewis of F., Lewis of W., Roberts, Slaughter, Spann, Wilson and Work—20.

And so said joint resolution was adopted by the House.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate recede from the amendment proposed by them to the engrossed bill of the House of Representatives entitled an act respecting the Knox county seminary.

They have passed a bill of the House of Representatives entitled an act to amend an act entitled an act to incorporate the Whitewater canal company without amendment.

They have received official information that the Governor has approved and signed the following acts which originated in the Senate, viz :

An act requiring the board of justices of Washington county to fix on a place for holding courts.

An act to amend an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved January 7, 1824.

An act to amend an act entitled an act for the incorporation of county libraries, approved January 28th, 1824. And,

An act amending an act entitled an act supplemental to an act entitled an act defining the duties of recorders, and pointing out the mode of conveying real estate.

On motion of Mr. Ferris,

The committee of the whole House to whom was committed the joint resolution relative to the pension office, was discharged from the further consideration thereof.

Mr. Read then moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Bullock, Burnett, Chamberlin, Clendenin, Craig, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hays, Howk, Hurst, Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Martin, Matlock, Read, Restine, Roberts, Sergeant, Slaughter, Stevens, Sweetser, Test, Wallace, Watts, Wilson, Work and Moore, Sp'c.—36.

And those who voted in the negative are,

Messrs. Ally, Boon, Brown, Claypool, Elliott, Hillis, Hoover, Jackson of D., Jackson of V., Long, Lewis of F., Lewis of W., Lomax, W'Kinney, Morgan, Morris, Piercy Ray and Spann—19.

And so said motion was carried in the affirmative.

On motion of Mr. Elliott,

The committee of the whole to whom was committed the bill in aid of the corporation of the President and Trustees of the town of Jeffersonville, was discharged from the further consideration thereof.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Claypool moved to discharge the committee of the whole House, to which was committed the bill to amend the several acts now in force in this state regulating fees, and the bill in addition to an act, entitled An act regulating the fees of the several offices therein named—Approved, January 30, 1824, which was decided in the negative.

The House resolved itself into a committee of the whole on said bills; after some time spent therein, the Speaker resumed the Chair, and Mr. Levenworth reported the first named bill with one amendment, and the second named bill with one amendment, which was by striking it out from its enacting clause.

The House concurred in the amendment made to the first named bill.

Mr. Sweetser then moved to postpone the further consideration of the first named bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Burnett, Clendenin, Craig, Daniel, Elliott, Fitzgerald, Gray, Hanna, Hillis, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Lemon, Little, Long, Lewis of F., M'Kinney, Matlock, Morgan, Ray, Read, Richardson, Roberts, Sargeant, Spann, Stevens, Sweetser and Wallace—30.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Ferris, Hays, Jackson of D., Johnston of K., Ketcham, Levenworth, Lewis of W., Lomax, Martin, Morris, Piercy, Restine, Slaughter, Test, Watts, Wilson and Moore, Sp'r.—25.

And so said motion was carried in the affirmative.

The question recurring on concurring in the amendment made to the second named bill in the committee of the whole, which was striking it out from its enacting clause; which reads in the words following, to wit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever a fee bill shall*

be hereafter issued for collection, and the person or persons against whom such bill may be issued, shall make oath before the officer having the same for collection, (and who is hereby authorized to administer said oath, that the said fee bill contains illegal charges, or that it is either in whole or in part paid, or that the person or persons in whose favour said bill may be issued, is indebted to him; in such case it shall be, and is hereby made the duty of such officer to return said fee bill to some justice of the peace who can legally judge between the parties, and who shall on the receipt of such fee bill enter the same on his docket in like manner as an original suit.

SEC. 2. That the justice of the peace to whom any fee bill may be returned in manner aforesaid, shall proceed to the trial of said cause in the same manner and under the same regulations, he would by law be authorized to do, had it been an original suit commenced before such justice of the peace, and render judgment and issue execution thereon as justice and equity may require: *Provided*, That the party in whose favor said fee bill may have been so issued, shall have three days notice of the time and place of trial, before the said justice shall proceed to act therein.

Sec. 3. That should it appear on the trial as aforesaid, that said fee bill does contain illegal charges, the person or persons in whose favor said fee bill may have been issued, shall pay all costs of such trial, and on refusal thereof, execution shall issue accordingly.

Sec. 4. That so much of the act entitled an act regulating the fees of the several officers therein named, approved January 30th, 1824, as comes within the purview of this act, be and the same is hereby repealed.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Burnett, Daniel, Elliott, Fitzgerald, Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, Martin, Matlock, Morgan, Morris, Read, Restine, Richardson, Roberts, Sargeant, Sweetser and Wallace—23.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Ferris, Gray, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnston of K., Levenworth, McKinney, Piercy, Ray, Slaughter, Spann, Stevens, Fest, Watts, Wilson and Moore, Sp'r.—32.

And so the House refused to concur in said amendment.

Mr. Bullock moved further to amend said bill by the addition of the following as a section thereto, to wit:

Each and every justice of the peace shall be permitted to charge $12\frac{1}{2}$ cents for each subpœna issued by him in any suit, and no more; and each constable shall be entitled to receive $12\frac{1}{2}$ cents for the service upon each person named in such subpœna, and no more; which was decided in the negative.

Mr. Stevens moved further to amend said bill by adding the following as a proviso to the second section, to wit:

Provided however, That appeals may be taken to the circuit court by the party who may think themselves aggrieved by the decision of any such justice of the peace, under the provisions of this act, in the same way and manner that appeals are taken from judgments of justices of the peace as in other cases; which was carried in the affirmative.

Mr. Richardson then moved to postpone the further consideration of said bill indefinitely.

And debate arising thereon, Mr. Howk called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of this House, that is to say: Shall the main question be now put? and it was carried in the affirmative.

The said main question to wit: Shall said bill be engrossed and read a third time to morrow? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock,

Clendenin, Claypool, Chamberlin, Craig, Ferris, Gray, Hays, Hoover, Howk, Jackson of D., Johnston of K., Lemon, Levenworth, Lewis of W., Matlock, Morris, Piercy, Ray, Slaughter, Spann, Stevens, Test, Watts, Wilson and Moore, Sp'r.—31.

And those who voted in the negative are,

Messrs. Burnett, Daniel, Elliott, Fitzgerald, Hanna, Hurst, Jackson of V., Johnson of P., Ketcham, Little, Long, Lewis of F., Lomax, M'Kinney, Martin, Morgan, Read, Restine, Richardson, Roberts, Sargeant, Sweetser, and Wallace—23.

And so said bill was ordered to be engrossed and read a third time to-morrow.

A message from the Governor by William W. Wick:

Mr. Speaker,

I am instructed by the Governor to announce to the House of Representatives that on this day, (January 19) he has approved and signed the acts which originated in this House, entitled as follows, to wit:

An act to incorporate the county seminary of Harrison county.

An act to amend the act declaring certain streams therein named public highways. And,

An act to amend the act concerning salt springs in Orange county, approved January 20th. 1826. I am also directed by the Governor to announce to the House of Representatives, that on the 11th instant the act which originated in this House, entitled:

An act legalizing certain contracts made by the agent of the reserved township in Monroe county; and on the 16th inst. the acts which also originated in this House, entitled:

An act to enable the citizens of Vigo county to appropriate their road fund to the removal of stagnant waters in said county. And,

An act to provide for removing the obstructions in the river Patoka; received his approbation and signature.

Mr. Beckes moved to discharge the committee of the whole House to which was committed the bill directing

the mode of suing out and prosecuting writs of *habeas corpus*, from the further consideration thereof; which was carried in the affirmative. And,

On motion of Mr Beckes,

The further consideration thereof, was postponed until the first Monday in December next.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed engrossed bills entitled Acts, of the House of Representatives, of the following titles, to wit:

An act declaring the Mississinewa river navigable and a public highway, without amendment.

An act to provide for recording brands, ear marks and for posting estrays in the counties therein named.

An act to amend the act entitled, An act regulating the practice in suits at law, with amendments.

They have passed original bills of the following titles, to wit:

An act concerning habitual drunkards.

An act more fully to carry into effect an act to provide for the appointment of a separate commissioner, on that part of the state road leading from Mauk's Ferry to Indianapolis, which lies between the towns of Franklin and Indianapolis.

An act to amend an act entitled, An act for the formation of Congressional districts, and for the election of Senators and Representatives to Congress—approved January 30, 1824.

An act supplemental to an act entitled, An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges—approved January 7, 1824.

And a joint resolution of the General Assembly of the state of Indiana, relative to the names of counties in this state; in which amendments, acts and joint resolution the concurrence of the House of Representatives is requested.

They have received official information that the Gov-

ernor did on this day approve and sign the following acts which originated in the Senate, viz :

An act for the formation of a new county out of the county of Wabash.

An act to repeal part of an act entitled, an act to amend an act entitled, An act for opening public roads and highways—approved February 12, 1825, and for other purposes.

An act to repeal part of an act entitled, An act providing the mode of opening and repairing public roads and highways, in certain counties therein named—approved January 31, 1826. And.

An act to authorize Robert R. Roberts and others, to keep a public ferry on the West Fork of White river in Owen county.

The House agreed to the amendment proposed by the Senate, to the bill of this House, entitled An act for posting estrays in the counties therein named.

Ordered. That the Clerk inform the Senate thereof.

And then the House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, JANUARY 20, 1827

The House met pursuant to adjournment.

Mr. Wallace from the committee on roads, submitted the following report, to wit:

Mr. Speaker,

The committee on roads to whom was referred the petition of Harry Pierson and others, citizens of Madison county, praying the location of a certain road therein named, have had the same under consideration, and have directed me to report—That they deem it inexpedient to legislate on that subject at this time.

The same committee to whom was referred the report of the agent of the three per cent. fund, and accompanying documents, have had said report under consideration, and have compared the same with the

various vouchers for all the disbursements therein specified, and find the same regular, satisfactory and correct. Your committee therefore, ask to be discharged from the further consideration of the aforesaid petition and report.

Mr. Bullock from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills, did on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills entitled Acts, to wit:

An act for the relief of John Carter and Joel Dickson.

An act respecting the state road from the Wabash by the way of the High Banks on White river to Indianapolis.

An act organizing a county library in the county of Crawford.

An act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace.

An act to improve the navigation of Sand creek.

An act authorizing John Hammersly to erect a wing dam at the Indian Ford on White river, near Bono in Lawrence county.

An act for the relief of Jesse Jackson late collector of the revenue for Scott county. And,

An act authorizing Alexander Craig to erect a dam across the west fork of White river and for other purposes.

Mr. Ray submitted the following resolution, to wit:

Resolved, That for the purpose of despatching business, that this House will hereafter meet at half past six o'clock in the evening—and that they will do business in the evening until nine o'clock at night—and that this General Assembly will adjourn sine die, on Saturday the 27th of this inst. at twelve o'clock on said day; that the Senate be informed of the adoption of this resolution, and their concurrence requested.

Which being read,

Mr. Lemon moved to lay said resolution on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Burnett, Claypool, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hays, Hillis, Hoover, Howk, Hurst, Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Martin, Morgan, Morris, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Wallace and Watts—33.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Bullock, Chamberlin, Elliott, Ferris, Jackson of D., Jackson of V., Johnson of P., Lewis of W., Lomax, Matlock, Piercy, Ray, Read, Restine, Test, Wilson, Work and Moore, Sp'r.—21.

And so said motion was carried in the affirmative.

Mr. Lewis of W., from the joint committee for enrolled bills reported as follows, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled acts, to wit:

An act respecting the Knox county seminary.

An act declaring the Mississinewa river navigable, and a public highway.

An act to amend an act entitled, An act to incorporate the Whitewater canal company.

An act to legalize the proceedings of the board of justices of Greene county, at a special session held on the thirteenth day of May, 1826. And,

An act attaching part of the county of Perry to the county of Crawford; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered. That the clerk carry the same to the Senate for the signature of their President.

Mr. Craig after having obtained leave, presented a bill for the relief of William Wilson; which was read the first time; when,

Mr. Claypool moved to reject said bill; which was decided in the negative.

Said bill was ordered to a second reading on Monday next.

The House proceeded to consider the amendments proposed by the Senate, to the bill of this House entitled An act to amend an act regulating the practice in suits at law.

The House disagree to the 1st, 2d, 3d, 4th and 5th amendments proposed by the Senate to said bill.

Ordered, That the Clerk inform the Senate thereof.

The joint resolution relative to the names of counties in this state, was read the first time; when,

Mr. Read moved to reject the same; which was decided in the negative.

The same was ordered to a second reading on Monday next.

The engrossed bill from the Senate, entitled An act supplemental to the act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges—approved January 7, 1824. was twice read, the rule having first been dispensed with, and ordered to a third reading on Monday next.

The engrossed bill from the Senate entitled an act to provide for the appointment of a separate commissioner for that part of the state road leading from Mauk's ferry to Indianapolis, which lies between the towns of Indianapolis and Franklin, was read the first time and passed to a second reading on Monday next.

The engrossed bill from the Senate to amend an act entitled an act for the formation of congressional districts, and for the election of Senators and Representatives to congress, approved January 30, 1824; was read the first time: When,

Mr. Bassett moved to reject said bill; which was carried in the affirmative.

The engrossed bill from the Senate entitled an act concerning habitual drunkards; was read the first time:

When,

Mr. Elliott moved to reject the same.

And the ayes and noes being demanded thereon by two members, the same are follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Bullock, Burnett, Claypool, Craig, Elliott, Gray, Hillis, Howk, Hurst, Jackson of D., Lemon, Little, Long, Lewis of W., Lomax, Matlock, Morgan, Ray, Read, Spaun, Test, Wallace, Wilson and Work—27.

And those who voted in the negative are,

Messrs. Beckes, Brown, Chamberlin, Clendenin, Daniel, Ferris, Fitzgerald, Hanna, Hays, Hoover, Jackson of V., Johnson of P., Johnston of K., Ketcham, Levenworth, Lewis of F., M'Kinney, Martin, Morris, Piercy, Restine, Richardson, Roberts, Sargeant, Slaughter, Stevens, Watts and Moore, Sp'r.—28.

And so said motion was decided in the negative.

Mr. Bullock moved that the rule be dispensed with and said bill be read a second time now; which was carried in the affirmative.

Said bill was then read a second time; When,

Mr. Craig moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Bullock, Burnett, Claypool, Craig, Daniel, Elliott, Gray, Hillis, Howk, Hurst, Jackson of D., Lemon, Little, Long, Lewis of W., Lomax, Matlock, Morgan, Ray, Read, Sargeant, Spann, Stevens, Test, Wallace, Wilson, Work and Moore, Sp'r.—31.

And those who voted in the negative are,

Messrs. Beckes, Brown, Chamberlin, Clendenin, Ferris, Fitzgerald, Hanna, Hays, Hoover, Jackson of V., Johnson of P., Johnston of K., Ketcham, Levenworth, Lewis of F., M'Kinney, Martin, Morris, Piercy, Restine, Richardson, Roberts, Slaughter, Sweetser and Watts—25.

And so said motion was carried in the affirmative.

The bill to amend the act entitled an act for the appointment of constables and defining their duties, was read a second time and committed to a committee of the whole House on Monday next.

The engrossed bill from the Senate entitled an act to amend the act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent fund for opening the same—approved December 31, 1821; was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill in aid of the corporation of the president and trustees of the town of Jeffersonville; was read a third time and passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein:

The engrossed bill to encourage the killing of wolves, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Bullock, Chamberlin, Craig, Daniel, Ferris, Fitzgerald, Gray, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Johnson of P., Ketcham, Levenworth, Long, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson. Roberts, Slaughter, Watts, Wilson and Moore, Sp'r.
—32.

And those who voted in the negative are,

Messrs. Beckes, Burnett, Claypool, Clendenin, Elliott, Hoover, Howk, Hurst, Johnston of K., Lemon, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin, Ray, Sargeant, Spann, Stevens, Test, Wallace and Work—23.

And so said bill passed.

Ordered, That the same be entitled an Act, and that

the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill for the relief of Henry Anderson collector of taxes for Parke county for the year 1824, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Bullock, Burnett, Clendenin, Craig, Daniel, Fitzgerald, Hanna, Hays, Hillis, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Little, Long, Lewis of F., Lomax, M'Kinney, Matlock, Morris, Ray, Read, Richardson, Roberts, Slaughter, Spann, Stevens, Watts, Wilson, Work and Moore, Sp'r.—40.

And those who voted in the negative are,

Messrs. Ally, Chamberlin, Claypoul, Ferris, Gray, Levenworth, Lewis of W., Martin, Morgan, Piercy, Restine, Sargeant, Test and Wallace—14.

And so said bill passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill respecting supervisors of public highways and for other purposes, was read a third time.

And the question being put, Shall said bill pass? the same was decided in the negative.

And so said bill did not pass.

The House resolved itself into a committee of the whole, on the bill organizing probate courts and defining their powers and duties; and the engrossed bill from the Senate entitled, an act to amend the act for the settlement of decedents' estates and for other purposes, approved January 26, 1824; and the bill of this House for the benefit of decedents' estates: After some time spent therein, the Speaker resumed the chair, and Mr. Little reported the first named bill with several a-

amendments, the second named bill with one amendment, and the last named bill with one amendment; which was by striking it out from its enacting clause.

And the House concurred in said amendments generally.

Ordered, That the first named bill and the amendment to the second named bill be engrossed and read a third time on Monday next.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Lomax moved to postpone the several orders of the day, for the present, which precede the bill concerning the seminary townships of land in Gibson and Monroe counties; which was carried in the affirmative.

The House then resolved itself into a committee of the whole on said bill: After some time spent therein—the Speaker resumed the Chair, and Mr. Long reported the same without amendment.

Mr. Stevens moved to amend said bill, by striking out the name of “James Borland” in the first section, and insert that of “John W. Lee;” which was decided in the negative.

Mr. Stevens moved further to amend said bill, by striking out all the fifth section from the words “quarter section” in the second line, to the words “and whenever,” in the 10th line; which reads in the words following: “And one fourth of the purchase money shall be paid at the time of sale, and the balance due to remain on interest, at the option of the purchaser, his heirs and assigns: *Provided*, That the interest shall be punctually paid in advance at the commencement of each year, and a failure to pay interest of two years successively, for ninety days after the second year’s interest becomes due, shall forfeit to the state the tract of land on which such interest may be due, also the benefit of the contract by which it is held, and the state shall forthwith have right to hold and possess such lands;” and insert in lieu thereof the words “for cash in hand.”

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Bullock, Burnett, Clendenin, Daniel, Hanna, Hays, Hillis, Hurst, Jackson of V., Johnston of K., Levenworth, Lewis of W., M'Kinney, Piercy, Spann, Stevens, Watts and Moore, Sp'r.—20.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Chamberlin, Claypool, Craig, Elliott, Ferris, Fitzgerald, Gray, Hoover, Howk, Jackson of D., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lomax, Martin, Morgan, Morris, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Test, Wallace, Wilson and Work—34.

And so said motion was decided in the negative.

Mr. Hillis moved further to amend said bill by striking out the words "three dollars and fifty cents," in the third section, the minimum price at which the lands of the first quality shall be sold, and insert "five dollars."

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Bullock, Burnett, Clendenin, Daniel, Hillis, Hurst, Johnston of K., Levenworth, Morris, Piercy, Spann, Stevens, Watts and Moore, Sp'r.—16.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Chamberlin, Claypool, Craig, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Hoover, Howk, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin, Morgan, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Test, Wallace, Wilson and Work—38.

And so said motion was decided in the negative.

Mr. Bullock moved further to amend said bill.

And debate arising thereon, Mr. Wilson called for

the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of this House, that is to say: Shall the main question be now put? and it was carried in the affirmative.

The said main question to wit: Shall said bill pass to a third reading on Monday next? was then put, and it was carried in the affirmative.

On motion of Mr. Ferris,

The committee of the whole House, to which was committed the bill to repeal all laws heretofore in force appropriating any part of the three per cent. fund, was discharged from the further consideration thereof.

Mr. Stevens then moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Bullock, Chamberlin, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hillis, Hoover, Jackson of D., Johnson of P., Lemon, Levenworth, Lewis of F., Lewis of W., Morgan, Morris, Read, Restine, Richardson, Spann, Stevens, Wallace, Watts, Wilson and Work—31.

And those who voted in the negative are.

Messrs. Beckes, Boon, Burnett, Claypool, Hanna, Hays, Hawk, Hurst, Jackson of V., Johnston of K., Ketcham, Little, Long, Lomax, M'Kinney, Martin, Piercy, Ray, Roberts, Sargeant, Slaughter, Test and Moore, Sp'r.—23.

And so said motion was carried in the affirmative.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives, of the following titles, to wit:

An act to provide for building certain bridges, and for other purposes, without amendment. And

An act to amend the several acts now in force rela-

tive to assessing and collecting the revenue, with amendments; in which amendments the concurrence of the House of Representatives is requested.

The House agreed to the 1st, 2d, 4th, 5th, 6th and 7th amendments; but disagree to the 3d amendment proposed by the Senate, to the engrossed bill of this House entitled, An act to amend the several acts now in force relative to assessing and collecting the revenue.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Elliott,

The committee of the whole House to which was committed the bill to authorize the president and trustees of the Greene county library, to appropriate certain monies, was discharged from the further consideration thereof.

Said bill was then ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Bassett,

The committee of the whole House to whom was committed the joint resolution from the Senate, on the subject of school lands in the state of Indiana, was discharged from the further consideration thereof.

Mr. Beckes then moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Brown, Bullock, Burnett, Clendenin, Ferris, Gray, Hillis, Jackson of D., Johnston of K., Lemon, Levenworth, Little, Lewis of F., M'Kinney, Piercy, Ray, Read, Restine, Sargeant, Spann, Test and Work---23.

And those who voted in the negative are,

Messrs. Ally, Bassett, Chamberlin, Claypool, Craig, Daniel, Elliott, Fitzgerald, Hanna, Hays, Hoover, Howk, Hurst, Jackson of V., Johnson of P., Ketcham, Long, Lewis of W., Lomax, Martin, Morgan, Morris, Richardson, Roberts, Slaughter, Wallace, Watts, Wilson and More, Sp'r.—29.

And so said motion was decided in the negative.

Said joint resolution was ordered to a third reading on Monday next.

On motion of Mr. Beon,

The committee of the whole House to which was committed the bill attaching part of the county of Greene to the county of Sullivan, was discharged from the further consideration thereof.

Mr. Read then moved to postpone the further consideration thereof until the first monday in December next.

Mr. Bullock then moved to lay the same on the table.

And then the House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 22, 1827.

The House met pursuant to adjournment.

Mr. Morris presented a petition of Isaac Coe of Marion county, praying compensation for improvements made by him on the donation at Indianapolis; which,

On motion of Mr. Stevens,

Was ordered to lie on the table.

Mr. Hays submitted the following report, to wit:

Mr. Speaker,

The committee to whom was referred the petition of sundry citizens of Putnam, Parke and Montgomery counties, praying the formation of a new county out of the counties aforesaid, report—That they have had the same under their consideration, and from the best information your committee can obtain, the petitioners pray for more territory from Putnam and Montgomery counties than can be constitutionally spared them, without reducing those two counties below their constitutional boundaries. In consequence thereof, your committee are compelled to report unfavorable to the prayers of the petitioners.

Which report was concurred in by the House.

Mr. Bullock from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills, did on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills entitled Acts, to wit:

An act declaring the Mississinewa river navigable, and a public highway.

An act attaching part of the county of Perry to the county of Crawford.

An act to amend an act entitled, An act to incorporate the Whitewater canal company.

An act to legalize the proceedings of the board of justices of Greene county, at a special session held on the thirteenth day of May, 1826. And,

An act respecting the Knox county seminary.

Mr. Lewis of W., moved to postpone for the present, the several orders of the day which precede the bill to amend the act regulating the militia of the state of Indiana; which was decided in the negative.

Mr. Ferris moved to postpone for the present the several orders of the day, which precede the bill making specific appropriations for the year 1827; which was carried in the affirmative.

The House now resolved itself into a committee of the whole on said bill: After some time spent therein—the Speaker resumed the chair, and Mr. Lewis of F. reported the same with several amendments; which were concurred in by the House generally.

Mr. Ferris moved to fill the blank in the fourth item of allowance, with the sum of \$100 to the Secretary of State, for superintending the printing of the laws and journals, and copying the laws for the printer; which was carried in the affirmative.

Ordered, That said bill be engrossed and read a third time to-morrow.

The engrossed joint resolution from the Senate, relative to the names of counties in this state, was read a second time; when,

Mr. Beckes moved the adoption of the following resolution, to wit:

Resolved, That said resolution be committed to a select committee, with instructions to so amend it, as to strike therefrom the names of all gentlemen who are now living; and also, include therein all the counties in the state.

Mr. Hillis moved to strike out the words "so amend it as to strike therefrom the names of all gentlemen who are now living, and also." And

On motion of Mr. Claypool,

The further consideration of said joint resolution was postponed until the first Monday in December next.

The bill for the relief of William Wilson, was read a second time; when,

Mr. Morgan moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Brown, Burnett, Claypool, Clendenin, Daniel, Elliott, Ferris, Hoover, Howk, Jackson of D., Johnson of P., Johnston of K., Ketcham, Lemon, Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Morgan, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Sweetser, Test and Work—33.

And those who voted in the negative are,

Messrs. Bassett, Boon, Bullock, Chamberlin, Craig, Fitzgerald, Gray, Hanna, Hays, Hillis, Hurst, Jackson of V., Levenworth, Long, Morris, Ray, Slaughter, Spann, Stevens, Wallace, Watts, Wilson and Moore, Sp'r.—23.

And so said motion was carried in the affirmative.

A message from the Governor by William W. Wick:

Mr. Speaker,

I am directed by the Governor to announce to the House of Representatives, that he has on this day (January 22d) approved and signed the acts which originated in this House, entitled as follows, to-wit:

An act respecting the state road from the Wabash, by the way of the High Banks on White river, to Indianapolis.

An act organizing a county library in the county of Crawford.

An act to improve the navigation of Sand creek.

An act authorizing John Hammersly to erect a wing dam at the Indian ford on White river, near Bono in Lawrence county.

An act authorizing Alexander Craig to erect a dam across the West Fork of White river, and for other purposes.

An act to amend the act entitled, An act regulating the jurisdiction and duties of justices of the peace.

And, An act for the relief of John Carter and Joel Dixon.

The engrossed bill from the Senate entitled, An act to carry into effect an act to provide for the appointment of a separate commissioner for that part of the state road leading from Mank's Ferry to Indianapolis, which lies between the towns of Indianapolis and Franklin, was read a second time.

Mr. Bullock moved to strike out the words, "this act to take effect and be in force from and after its passage;" which was decided in the negative.

Mr. Boon then moved to dispense with the rule, and read said bill a third time now; which was carried in the affirmative.

Said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Beckes asked and obtained leave of absence for Mr. Dickson, for an indefinite time, on account of ill health.

The engrossed bill from the Senate entitled, An act supplemental to an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved January 7th 1824, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed joint resolution from the Senate, on the subject of the school lands in the state of Indiana, was read a third time.

And the question being put, Shall said joint resolution be adopted by the House?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Chamberlin, Claypool, Craig, Elliott, Hays, Hoover, Johnson of P., Ketcham, Little, Long, Lewis of W., Lomax, Martin, Morgan, Morris, Sargeant, Stevens, Sweetser, Wallace, Watts and Wilson—23.

And those who voted in the negative are,

Messrs. Beckes, Boon, Ferris, Gray, Hurst, Jackson of D., Johnston of K., Lemon, Levenworth, Lewis of F., M'Kinney, Marshall, Piercy, Ray, Restine, Work and Moore, Sp'r.—17.

And so said joint resolution was adopted by the House.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate entitled, An act concerning the seminary townships of land, in Gibson and Monroe counties, was read a third time; when,

Mr. Sweetser moved to re-commit said bill to a committee of the whole House to-day; which was decided in the negative.

The question being then put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Chamberlin, Claypool, Craig, Elliott, Ferris, Gray, Hanna, Hays, Hoover, Howk, Jackson of D., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Ray, Restine, Richardson, Roberts, Sargeant, Slaughter, Wallace, Wilson and Work—36.

And those who voted in the negative are,

Messrs. Beckes, Boon, Bullock, Clendenin, Daniel, Hillis, Hurst, Jackson of V., Johnston of K., Levenworth, Lewis of W., Piercy, Read, Spann, Stevens, Sweetser, Test, Watts and Moore, Sp'r.—19.

And so said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Johnston of K. presented in the name of himself, and the other gentlemen who have signed the same, the following protest against the passage of the bill from the Senate, entitled An act concerning the seminary townships of land in Gibson and Monroe counties; which was ordered to be entered on the journals, to wit:

The undersigned; in the name of themselves and their constituents, protest in the most solemn manner against the passage of the act concerning the seminary townships of land in Gibson and Monroe counties, which originated in the Senate, for the following reasons :

1st. By the fourth proposition made by congress, and acceded to by the people of this state at the formation of our constitution, the two seminary townships which are the subjects of the above act, were reserved for the use &c. and vested &c. to be appropriated solely &c. From whence, we believe, it is rationally, legally and consistently to be inferred, that the fee simple of the soil was to remain forever in the donees and grantees, and the usufruct alone be appropriated by the legislature, from time to time, in compliance with the enlightened and philanthropic views of congress, who we are firmly persuaded, had in contemplation the future, as well as the present generation, otherwise instead of the term "appropriated," some other phrase more expressive of their intention that the legislature should sell, would have been used.

2d. Supposing (which is not admitted,) that the above conclusions are incorrect, still we hold that the measure of selling those lands at this time, is impolitic, and fraught with dangerous consequences; because, 1st. From the increasing population of our state those lands must increase in value, and in a few years more would sell for thrice the amount of the present minimum price,

with any accumulation of interest—2ndly. The interest to be derived from any sum which will, in all reasonable probability, arise from the sale of those lands at this time, will not realize a sufficiency to produce any essential or lasting benefit to the present, far less to the rising and future generation—And 3dly. “Experience teaches wisdom,” and the premature and injudicious appropriation of the three per cent fund, authorizes the conjecture that when the interest, on the money arising from the above sales, is found insufficient to complete the object of present education, the capital will be resorted to, and ere long be consumed; which result should most assuredly be deprecated.

3d. Because the act countenances the hard and disreputable principle of forfeiture—thereby contravening the magnanimous principle of the law, that “no one should receive something for nothing,” which would be the case were a failure made by the purchaser even in the fourth instalment, or any previous one after the first.

And for a 4th reason. The law leaves it in the power of the purchasers upon the payment of the first instalment to take possession of those lands and divest the same of its most valuable improvements and timber, and afterwards to suffer a forfeiture of said lands without being liable for any waste which he or they may have committed on said lands.

Wherefore, we request that this our protest, may be spread upon and made part of the journals.

G. W. JOHNSTON,
WM. A. BULLOCK,
SETH M. LEVENWORTH,
BENJAMIN HURST.

The engrossed bill organizing probate courts and defining their powers and duties was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Bullock, Chamberlin, Claypool, Craig, Ferris, Fitzgerald, Gray, Hanna,

Hays, Hillis, Hurst, Jackson of D., Johnston of K., Ketcham, Levenworth, Little, Lewis of F., Lomax, M'Kinney, Martin, Morris, Ray, Restine, Richardson, Sargeant, Stevens, Sweetser, Watts and Moore, Sp'r.
—32.

And those who voted in the negative are,

Messrs. Beckes, Boon, Clendenin, Elliott, Hoover, Hawk, Jackson of V., Johnson of P., Lemon, Long, Lewis of W., Marshall, Matlock, Morgan, Piercy, Read, Roberts, Slaughter, Spann, Test, Wallace, Wilson and Work—23.

And so said bill passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill to authorize the president and trustees of the Greene county library to appropriate certain monies, was read a third time.

And the question being put, Shall said bill pass?

The same was decided in the negative.

And so said bill did not pass.

The engrossed bill from the Senate entitled, An act to amend an act for the settlement of decedents' estates—approved January 20th 1824, was read a third time and passed as amended.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence in said amendment.

The engrossed bill in addition to the act entitled, An act regulating the fees of the several officers and persons therein named—approved January 30th 1824, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hays, Hillis, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Lemon, Levenworth, Little, Long, Lewis of W., Mor-

gan, Morris, Piercy, Ray, Read, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Watts, Wilson, Work and Moore, Sp'r.—42.

And those who voted in the negative are,

Messrs. Burnett, Hanna, Hoover, Johnston of K., Ketcham, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Matlock, Richardson, Sweetser and Wallace—14.

And so said bill passed.

Ordered, that the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House proceeded to consider the bill attaching a part of the county of Greene to the county of Sullivan.

Mr. Bullock then withdrew his motion to lay said bill on the table.

The question recurring on Mr. Read's motion to postpone the further consideration of said bill until the first Monday in December next; the same was decided in the negative.

Said bill was then read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Burnett, Chamberlin, Claypool, Daniel, Ferris, Fitzgerald, Gray, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lewis of W., Lomax, Marshall, Martin, Morgan, Morris, Piercy, Ray, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Test, Watts, Work and Moore, Sp'r.—40.

And those who voted in the negative are,

Messrs. Bullock, Clendenin, Elliott, Hanna, Hoover, Ketcham, Little, Lewis of F., M'Kinney, Matlock, Read, Stevens, Sweetser, Wallace and Wilson—15.

And so said bill passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

Mr. Elliott moved to discharge the committee of the whole House, to which was committed the joint resolution from the Senate, relative to the purchasers of lands, from the further consideration thereof; which was carried in the affirmative.

Mr. Beckes then moved to amend the same by striking out the preamble and report of the select committee; which was carried in the affirmative.

Said joint resolution was then read a third time and adopted by the House.

Ordered, That the Clerk inform the Senate and ask their concurrence in said amendment.

Mr. Long moved to discharge the committee of the whole House to which was committed the bill of this House to establish the eastern boundary line of Henry county; and the engrossed bill from the Senate, entitled an act to establish the eastern boundary line of Henry county, from the further consideration thereof; which was carried in the affirmative.

Mr. Lomax then moved to postpone the further consideration of the last named bill indefinitely; which was decided in the negative.

Mr. Hoover then moved to lay the same on the table; which was also decided in the negative.

Said bill was then read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Bullock, Burnett, Chamberlin, Daniel, Fitzgerald, Gray, Hanna, Hays, Hillis, Johnson of P., Johnston of K., Levenworth, Little, Long, Marshall, Matlock, Morgan, Morris, Read, Richardson, Roberts, Sargeant, Spann, Stevens, Watts and Wilson—29.

And those who voted in the negative are,

Messrs. Bassett, Claypool, Clendenin, Elliott, Fer-

ris, Hoover, Howk, Hurst, Jackson of D., Jackson of V., Ketcham, Lemon, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin, Piercy, Ray, Restine, Slaughter, Sweetser, and Moore, Sp'r.—23.

And so said bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Long,

The further consideration of the first named bill was indefinitely postponed.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate insist on the amendments proposed by them to the engrossed bill from the House of Representatives, entitled :

An act to amend the act entitled an act regulating the practice in suits at law.

They have passed an engrossed bill of the House of Representatives entitled :

An act to establish a road from Crawfordsville in Montgomery county, to Covington in Fountain county, without amendment. They insist on the 3rd amendment proposed by them to the engrossed bill of the House of Representatives entitled :

An act to amend the several acts now in force relative to assessing and collecting the revenue; which 3d amendment was disagreed to by the House of Representatives.

They have passed engrossed bills of the House of Representatives of the following titles, viz :

An act for the relief of the securities of Abram Elliott late sheriff of Wayne county, with amendments.

An act to extend a certain law therein named, without amendment. They have passed an original bill entitled :

An act to amend an act entitled, an act to regulate judicial circuits and fixing the times of holding courts; in which amendments to the bill of the House of Representatives, and in the passage of the original bill, the concurrence of the House is requested.

On motion of Mr. Hurst,

The House insist on their disagreement to the amend-

ments proposed by the Senate to the engrossed bill of this House, entitled an act to amend the act regulating the practice in suits at law.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Ferris,

The House insist on their disagreement to the third amendment proposed by the Senate to the bill of this House, entitled an act amendatory of the several acts for assessing and collecting the revenue.

Ordered. That the Clerk inform the Senate thereof.

The House agree to the amendments proposed by the Senate to the bill of this House, for the relief of the securities of Abram Elliott late sheriff of Wayne county.

Ordered. That the Clerk inform the Senate thereof.

The engrossed bill from the Senate entitled an act to amend an act entitled, an act to regulate judicial circuits and fixing the times of holding courts, was read the first time; When,

Mr. Beckes moved to reject the same; which was decided in the negative.

Mr. Morgan moved that the rules be dispensed with, and said bill be read a second time now; which was decided in the negative.

Said bill passed to a second reading to-morrow.

The House resolved itself into a committee of the whole, on the bill to provide for viewing a state road from Indianapolis to Newport in Vermillion county; After some time spent therein, the Speaker resumed the chair, and Mr. Lewis of W. reported the same with several amendments; which were concurred in by the House.

Mr. Beckes then moved that the House adjourn until this evening 6 o'clock; which was decided in the negative.

Mr. Piercy then moved to postpone the further consideration of the above named bill indefinitely; which was carried in the affirmative.

Mr. Claypool then moved to re consider the vote taken on postponing the above named bill; which was carried in the affirmative.

Mr. Piercy then withdrew his motion to postpone the further consideration of said bill indefinitely.

Mr. Lewis of W. from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled acts, to wit:

An act to provide for building certain bridges and for other purposes.

An act to provide for recording brands and ear marks and for posting estrays in the counties therein named and for other purposes.

An act to amend an act entitled an act for opening and repairing public roads and highways in certain counties therein named—approved January 12th 1826.

An act declaring the east fork of Whitewater river a public highway. And,

An act incorporating the Washington county seminary; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 23, 1827.

The House met pursuant to adjournment.

On motion of Mr. Ferris,

Resolved. That the public printer be instructed to print five hundred copies of the act to amend the several acts now in force for assessing and collecting the revenue passed the present session, for the use of the members of the General Assembly, to be distributed by them in the several counties in this state, and that the Clerk inform the printer of this resolution.

Mr. Howk from the committee on education presented the following report, to wit:

Mr Speaker,

The committee on education to whom was referred the different communications relative to the fund of county seminaries, report: That the following is a correct statement of seminary funds in the hands of the respective counties, as appears by said communications, viz:

Bartholomew county,	-	\$41 34
Clark	" -	1,226 21
Daviess	" -	251 99
Dearborn	" -	764 25
Decatur	" -	76 68 $\frac{3}{4}$
Greene	" -	56 89
Hamilton	" -	39 68 $\frac{3}{4}$
Harrison	" -	648 63
Johnson	" -	84 81
Knox	" in cash,	86 43

" Notes on the State Bank of

Indian and Branches,	326 26
Marion - - -	107 75
Monroe - - -	327 51
Montgomery - - -	28 31 $\frac{1}{4}$
Orange - - -	629 44
Parke - - -	100 18
Perry - - -	163 75 $\frac{1}{2}$
Scott - - -	70 79
Vigo - - -	333 15
Washington - - -	932 95 $\frac{1}{2}$

All of which is respectfully submitted.

A message from the Senate by Mr. Farnham, their assistant secretary:

Mr. Speaker,

The Senate recede from their third amendment to the engrossed bill of the House of Representatives, entitled An act to amend the several acts now in force relative to assessing and collecting the Revenue.

They concur in the amendments proposed by this House to the engrossed bill of the Senate, entitled An act to amend an act, entitled an act for the settlement of Decedents' Estates, and for other purposes.

They insist on their amendments to the engrossed bill of this House, entitled An act to amend the act, entitled an act regulating the practice in suits at law, and have appointed Messrs. Rariden and Fletcher a committee of free conference on the part of the Senate to act with a similar committee, on the part of this House, which they request may be appointed to take into consideration the disagreeing votes of the two Houses on the bill above named.

They have passed an engrossed bill of this House, entitled An act for raising the salary of the Agent of State for the town of Indianapolis, without amendment.

They have received official information that the Governor has approved and signed An Act which originated in the Senate, entitled An act for the relief of Jesse Jackson late collector of Revenue for Scott county.

On motion of Mr. Howk,

Resolved, That a committee of free conference be appointed on the part of this House, to act with the committee appointed on the part of the Senate, relative to the disagreeing votes of the two Houses, on the bill to amend the act regulating the practice in suits at law, and that Messrs. Howk and Sweetser be that committee on the part of this House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Johnston of K. presented the following report, to wit:

Mr. Speaker,

The committee to whom was referred the petition of James Mitchell of Monroe county, have had the same under consideration, and beg leave to report—That actuated by a desire to gratify the petitioner, could it have been done constitutionally and legally, your committee have examined and scrutinized the subject matter of the said petition, and are constrained to state that they conceive his case, as stated by himself, sui generis, and beyond the reach of legislative enactment—and that he have leave to withdraw his petition.

Which was concurred in by the House.

Mr. Richardson moved to re-consider the vote given on yesterday, on the passage of the engrossed bill from

the Senate, entitled, An act defining the eastern boundary line of Henry county; which was carried in the affirmative.

Mr. Stevens then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows. to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Claypool, Clendenin, Elliott, Ferris, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Ketcham, Lemon, Little, Lewis of F., Lewis of W., Lomax, W'Kinney, Marshall, Martin, Piercy, Ray, Restine, Roberts, Sargeant, Stevens and Work—27.

And these who voted in the negative are,

Messrs. Ally, Boon, Brown, Burnett, Chamberlin, Craig, Fitzgerald, Hanna, Hays, Hillis, Johnson of P., Johnston of K., Levenworth, Long, Matlock, Morgan, Morris, Read, Richardson, Slaughter, Spanu, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—27.

And so said motion was decided in the negative.

Mr. Lomax then moved to lay said bill on the table.

And the ayes and noes being required thereon by two members, the same are as follows. to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Claypool, Clendenin, Elliott, Ferris, Hanna, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Little, Lewis of F., Lewis of W., Lomax, W'Kinney, Martin, Piercy, Ray, Restine, Roberts, Sargeant, Stevens, Wilson and Work—29.

And those who voted in the negative are,

Messrs. Ally, Boon, Brown, Burnett, Chamberlin, Craig, Daniel, Fitzgerald, Hays, Hillis, Levenworth, Long, Marshall, Matlock, Morgan, Morris, Read, Richardson, Slaughter, Spann, Sweetser, Test, Wallace, Watts and Moore, Sp'r.—25.

And so said motion was carried in the affirmative.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed an engrossed bill entitled an act to amend an act entitled, An act subjecting real and personal estate to execution—approved January 30th 1824; in which the concurrence of this House is requested.

Said bill was read the first and second times, the rule having first been dispensed with; when,

Mr. Hillis moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Claypool, Craig, Elliott, Ferris, Gray, Hays, Hillis, Hurst, Jackson of D., Johnston of K., Levenworth, Lewis of F., M'Kinney, Martin, Matlock, Morgan, Morris, Ray, Sargeant, Slaughter, Spann, Test, Wallace and Watts—25.

And those who voted in the negative are,

Messrs. Ally, Beckes, Boon, Brown, Burnett, Chamberlin, Clendenin, Daniel, Fitzgerald, Hanna, Hoover, Howk, Jackson of V., Johnson of P., Ketcham, Lemon, Little, Long, Lewis of W., Lomax, Marshall, Piercy, Read, Restine, Richardson, Roberts, Stevens, Sweetser, Wilson and Moore, Sp'r.—30.

And so said motion was decided in the negative.

Mr. Stevens then moved to lay said bill on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Bullock, Claypool, Craig, Ferris, Fitzgerald, Gray, Hays, Hillis, Hurst, Jackson of D., Jackson of V., Johnston of K., Ketcham, Lemon, Levenworth, Long, Lewis of F., Lewis of W., M'Kinney, Martin, Matlock, Morgan, Morris, Piercy, Ray, Sargeant, Slaughter, Spann, Stevens, Test, Wallace and Watts—34.

And those who voted in the negative are,

Messrs. Beckes. Boon, Brown, Burnett, Chamberlin, Clendenin. Daniel, Elliott, Hanna, Hoover. Howk, Johnson of P., Little, Lomax, Marshall, Read, Restine, Richardson, Roberts, Sweetser, Wilson, Work and Moore, Sp'r.—23.

And so said motion was carried in the affirmative.

Mr. Bullock from the joint committee for enrolled bills, submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills, did on this day, present to his Excellency the Governor. for his approval and signature, the following enrolled bills entitled Acts, to wit:

An act to provide for recording brands. ear marks and for posting estrays in the counties therein named, and for other purposes.

An act declaring the East Fork of Whitewater river a public highway.

An act to provide for building certain bridges and for other purposes.

An act to amend an act entitled, An act for opening and repairing public roads and highways in certain counties therein named—approved January 12, 1826.

And an act incorporating the Washington county seminary.

Mr. Lewis of F. moved to take up the bill legalizing the proceedings of school trustees of congressional township No. 9, in range No. 2 west. also congressional township No. 12, in range No. 13 west, in Franklin county; which was decided in the affirmative.

Said bill was then considered as engrossed, read a third time and passed.

Ordered that the same be entitled An act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House took up and proceeded to consider the bill to provide for surveying and locating a state road from Indianapolis to New Port in Vermillion county.

Mr. Morris moved to amend the same by the addition of the following as a proviso to section, to wit:

Provided, That no county through which said road may pass shall be compelled to open said road, unless they may conceive it their interest to do so.

Mr. Piercy then moved to amend the proposed amendment by adding the following at the end thereof, to wit:

“Neither shall any county be subjected to the expense of locating said road without the consent of the Board of Justices of said county;” which was carried in the affirmative.

Said amendment as amended, was then adopted by the House.

Ordered, that said bill be engrossed and read a third time to-morrow.

And then the House adjourned until half past 1 o'clock P. M.

Half past 1 o'clock, P. M.

The House met pursuant to adjournment.

The engrossed bill from the Senate, entitled An act to amend the act entitled, An act to regulate judicial circuits, and fixing the times of holding courts—approved January 14th 1824, was read a second time and committed to a committee of the whole House to-morrow.

The engrossed bill making specific appropriations for the year 1827, was read a third time and passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Craig,

The committee of the whole House to which was committed the bill to provide for the location of a canal route, to connect the navigation of the Wabash river, with the Miami of Lake Erie, was discharged from the further consideration of the same.

Mr. Craig then moved to postpone the further consideration of said bill, until the first Monday of December next.

And debate arising thereon, Mr. Craig called for the previous question, and the call being seconded by three members, the said previous question was then put in the

form prescribed by the rules of the House, that is to say: Shall the main question be now put?

And it was decided in the negative.

Mr. Morgan moved to discharge the committee of the whole House, to which was committed the bill to authorize an exchange of a part of the territory of the counties of Johnson and Morgan, from the further consideration thereof; which was carried in the affirmative.

Mr. Morgan then moved to postpone the further consideration of said bill, until the first Monday in December next; which was carried in the affirmative.

On motion of Mr. Read,

The committee of the whole House to which was committed the bill to repeal part of an act entitled, An act to establish certain roads therein named—approved January 19th 1826. was discharged from the further consideration thereof. And,

On motion of Mr. Morgan,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Hillis,

The committee of the whole House to which was committed the joint resolution approving of the exercise of power by Congress, to make internal improvements, was discharged from the further consideration thereof.

Mr. Test then moved to lay said joint resolution on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Burnett, Chamberlin, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Gray, Hoover, Hawk, Jackson of D., Jackson of V., Ketcham, Little, Lewis of F., Martin, Sargeant, Slaughter, Stevens, Sweetser, Test and Watts—26.

And those who voted in the negative are,

Messrs. Ally, Brown, Fitzgerald, Hanna, Hays, Hillis, Hurst, Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lewis of W., Lomax, M'Kinney,

Marshall, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Spann, Wallace, Wilson and Moore, Sp'r.—29.

And so said motion was decided in the negative.

Mr. Beckes then moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Burnett, Chamberlin, Clendenin, Craig, Daniel, Elliott, Gray, Hawk, Hurst, Jackson of D., Jackson of V., Ketcham, Little, Richardson, Sargeant, Slaughter, Stevens and Test—20.

And those who voted in the negative are,

Messrs. Ally, Boon, Brown, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Johnson of P., Johnston of K., Lemon, Levenworth, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Spann, Sweetser, Wallace, Watts, Wilson and Moore, Sp'r.—35.

And so said motion was decided in the negative.

Said joint resolution was then considered as engrossed and read a third time.

And the question being put, Shall said joint resolution be adopted by the House?

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Claypool, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Hurst, Jackson of V., Johnson of P., Johnston of K., Levenworth, Long, Lewis of F., Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Spann, Stevens, Sweetser, Wallace, Watts, Wilson and Moore, Sp'r.—39.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Burnett, Chamberlin, Clen-

devin, Craig, Daniel, Gray, Howk, Jackson of D., Ketcham, Lemon, Little, Sargeant and Test—15.

And so said joint resolution was adopted by the House.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Read,

The committee of the whole House to which was committed the bill to amend the several acts for licensing and regulating taverns, was discharged from the further consideration thereof.

Mr. Hurst then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Bullock, Chamberlin, Clendenin, Craig, Ferris, Hanna, Hillis, Hoover, Hurst, Johnson of P., Ketcham, Little, Lewis of W., Lomax, M'Kinney, Marshall, Matlock, Morris, Restine, Roberts, Sargeant, Stevens, Sweetser, Test, Wallace, Watts, Wilson and Work—32.

And those who voted in the negative are,

Messrs. Ally, Burnett, Claypool, Daniel, Elliott, Fitzgerald, Gray, Hays, Howk, Jackson of V., Johnston of K., Lemon, Levenworth, Long, Martin, Morgan, Piercy, Ray, Read, Richardson, Slaughter, Spann and Moore, Sp'r.—23.

And so said motion was carried in the affirmative.

A message from the Senate by Mr. Farnham, their assistant secretary:

Mr. Speaker,

The Senate have passed a bill of this House entitled, An act making general appropriations for the year 1827 with an amendment.

They have passed original bills of the following titles, viz:

An act providing for the erection of an office for the clerk of the supreme court, and for other purposes.

An act to amend an act entitled, An act regulating the

tees of the several officers and persons therein named—approved January 30th 1824.

An act appointing a board of visitors to the state seminary at Bloomington, and for advancing the interests of said institution. And,

A joint resolution of the General Assembly, for the printing of the act for assessing and collecting the revenue; in which amendment, acts and joint resolution, the concurrence of this House is requested.

The House agree to the amendment proposed by the Senate, to the bill making general appropriations for the year 1827; which was by striking out the sum of "twelve thousand dollars," the appropriation for the pay of the Legislative department, for the year 1827, and inserting "fourteen thousand."

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate, providing for the erection of an office for the clerk of the supreme court, and for other purposes, was read the first and second times, the rules having been dispensed with.

Mr. Morris moved to amend said bill by striking out the words "four thousand dollars" in the fourth section, the sum appropriated to build a house for the use of the Governor, and insert "six thousand dollars."

A division of the question being called for, the question was taken on striking out, which was decided in the negative.

Mr. Sweetser moved to amend said bill by striking out the words "five hundred dollars," in the third section, the amount appropriated for building an office for the clerk of the supreme court, and insert "eight hundred dollars;" which was decided in the negative.

Mr. Ferris moved further to amend said bill by striking out the fourth section, which reads as follows, to wit:

"Be it further enacted, That the sum of four thousand dollars be, and the same is hereby appropriated out of the fund aforesaid, in the hands of the treasurer of state, to erect on the Governor's circle, in the town of Indianapolis, a suitable house for the residence of the Executive of this state, and that said agent and treasur-

er be, and they are hereby authorized to contract for the erection of said building, with the best bidder therefor, on such terms and conditions, as they may think advantageous to the state, and to direct the fashion and form thereof, which building shall be completed on or before the first day of December next."

Which was decided in the negative.

Mr. Hurst then moved to postpone the further consideration of said bill indefinitely; which was also decided in the negative.

Said bill was then ordered to be read a third time to-morrow.

The engrossed bill from the Senate entitled, An act appointing a board of visitors to the state seminary at Bloomington, and for advancing the interest of said institution, was read the first time and passed to a second reading to-morrow.

The engrossed bill from the Senate entitled, An act to amend an act regulating the fees of the several officers and persons therein named, approved January 30th 1824, was read the first time and passed to a second reading to-morrow.

The joint resolution from the Senate, for the printing of the act, for assessing and collecting the revenue, was read the first time; when,

Mr. Stevens moved to reject the same; which was carried in the affirmative.

The House resolved itself into a committee of the whole, on the bill to provide for the re location of the seat of justice in the county of Dearborn: After some time spent therein—the Speaker resumed the chair, and Mr. Lomax reported the same with one amendment; which was concurred in by the House.

Mr. Ferris then moved to strike out the first section of said bill, which reads in the words following, to wit:

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Nathan B. Palmer and Stephen Ellis of Jefferson county, Henry Bonta and Aaron Chamberlin of Switzerland county, and Timothy Denison of Ripley county, are hereby appointed commissioners to re locate the seat of justice in the county of*

Dearborn, either three of whom shall be a quorum to transact business, and shall meet at the house of John Myers in Wilmington in said county, on the fourth Monday of March next, or at such other time as a majority of them may agree upon, and may have power to adjourn from time to time as they may deem necessary.

And insert in lieu thereof the following, to wit:

“That be and they are hereby commissioners to take into consideration the propriety of re-locating the seat of justice of Dearborn county; which commissioners are hereby required to meet at the house of Henry Dill, in the township of Mauchester, on the fourth Monday of June next, who when met shall first take an oath faithfully and impartially to do their duty as commissioners aforesaid, and having taken such oath, they or a majority of them, shall proceed to examine the situation of said county, and if in the opinion of a majority of them, it would be for the interest of said county to have the seat of justice removed to a more central situation, they shall proceed to re-locate the same: *Provided*, That no such removal or re location shall take place so as to place it more than two miles from the geographical centre of the county.

Mr. Stevens moved to amend the amendment proposed by Mr. Ferris, by filling the blank with the names of Benjamin Furgason of Clark county, Thomas Hendricks of Decatur county, David Hoover of Wayne county, Moody Parke and Daniel Comstock of Jefferson county; which was carried in the affirmative.

Mr. Bassett moved further to amend the amendment proposed by Mr. Ferris so as to make it imperative on the said commissioners to fix the seat of justice for said county, within two miles of the geographical centre thereof.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Bullock, Chamberlin, Daniel, Fitzgerald, Hays, Howk, Lemon, Levenworth, Long, Lewis of F., Ray, Richardson, Spann and Watts—17.

And those who voted in the negative are,

Messrs. Boon, Brown, Burnett, Claypool, Clendenin, Craig, Elliott, Ferris, Gray, Hanna, Hillis, Hoover, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Little, Lewis of W., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Roberts Sargeant, Slaughter, Stevens, Sweetser, Test, Wallace, Wilson Work and Moore, Sp'r.—39.

And so said motion was decided in the negative.

A division of the question being called for on Mr. Ferris' motion to strike out the first section of said bill and insert, the question was taken on striking out:

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Brown, Burnett, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Gray, Hanna, Hillis, Hoover, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Lewis of W., Lomax, Marshall, Martin, Matlock, Restine, Sargeant, Stevens, Wilson and Work—28.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon Bullock, Chamberlin, Fitzgerald, Hays, Hawk, Levenworth, Long, Lewis of F., M'Kinney, Morgan, Morris, Piercy, Ray, Read, Richardson, Roberts, Slaughter, Spann, Sweetser, Test, Wallace, Watts and Moore, Sp'r.—27.

And so the first section of said bill was stricken out.

Mr. Lewis of W. from the joint committee for enrolled bills reported—That they have compared the enrolled with the engrossed bill entitled:

An act to amend the several acts now in force relative to assessing and collecting the revenue; and find the same truly enrolled. When,

The Speaker signed the same.

Ordered. That the Clerk carry the same to the Senate for the signature of their President.

A message from the Governor, by W. W. Wick:

Mr. Speaker,

I am directed by the Governor to announce to the House of Representatives, that on this day (January 23) he has approved and signed the acts which originated in this House, entitled as follows, to wit:

An act respecting the Knox county seminary.

An act to amend an act entitled an act to incorporate the Whitewater canal company. And,

An act declaring the Mississinewa river navigable and a public highway.

And then the House adjourned until 6 o'clock this evening.

6 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hillis moved to re-consider the vote taken on striking out the 1st section of the bill to provide for the re-location of the seat of justice in the county of Dearborn.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Chamberlin, Clendenin, Fitzgerald, Hays, Lemon, Levenworth, Long, Lewis of E., M'Kinney, Marshall, Morgan, Morris, Piercy, Ray, Read, Richardson, Spaun, Test, Wallace, Watts and Moore. Sp'r.—24.

And those who voted in the negative are,

Messrs. Burnett, Claypool, Craig, Elliott, Ferris, Gray, Hanna, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Little, Lewis of W., Lomax, Martin, Matlock, Restine, Roberts, Sargeant, Slaughter, Stevens, Wilson and Work.—27.

And so said motion was decided in the negative.

Mr. Bassett moved to amend the amendment proposed by Mr. Ferris, by striking out the first Monday in June, and inserting the first Monday in March; which was carried in the affirmative.

Mr. Ferris' proposed amendment as amended was then adopted by the House.

Mr. Ferris moved further to amend said bill by striking out the second section: which was carried in the affirmative.

Said bill was then ordered to be engrossed and read a third time to morrow.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate to amend an act entitled an act to establish a state road from Terre Haute to Fort Wayne—approved January 11th 1823: After some time spent therein, the Speaker resumed the chair, and Mr. M'Kinney reported the same with one amendment, which was by striking out the words "five thousand dollars" in the third section, the amount of money appropriated on said road.

And the ayes and noes being required on the question to concur in said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Burnett, Claypool, Clendenin, Elliott, Gray, Hoover, Howk, Hurst, Johnson of P., Johnston of K., Ketcham, Lemon, Little, Lewis of W., Ray, Stevens, Test, Wallace, Watts, Wilson and Work—24.

And those who voted in the negative are,

Messrs. Ally, Chamberlin, Craig, Ferris, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Levenworth, Long, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann and Moore, Sp'r.—28.

And so said amendment was not concurred in by the House.

Mr. Morris then moved to amend said bill by striking out the words 'five thousand dollars' in the third section, and insert 'four thousand dollars,' one half to be paid on the first of September 1827, and the other half on the 1st September 1828.

And debate arising thereon. Mr. Hurst called for the previous question, and the call being seconded by three members, the said previous question was put in the form

prescribed by the rules of this House, that is to say . Shall the main question be now put? and it was carried in the affirmative.

The main question to wit: Shall said bill pass to a third reading to-morrow? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Chamberlin, Ferris, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Levenworth, Long, Lewis of F., Lomax, Matlock, Morgan, Morris, Piercy, Restine, Richardson, Roberts, Spann, Test and Moore, Sp'r.—21.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Boon, Burnett, Claypool, Clendenin, Craig, Elliott, Gray, Hoover, Hawk, Hurst, Johnson of P., Johnston of K., Ketcham, Lemon, Little, Lewis of W., M'Kinney, Marshall, Martin, Ray, Read, Sargeant, Slaughter, Stevens, Wallace, Watts, Wilson and Work—31.

And so said bill was lost.

On motion of Mr. Beckes,

The committee of the whole House to which was committed the bill appropriating a certain sum for the use of the Marion county library, was discharged from the further consideration thereof.

Mr. Hanna moved to lay said bill on the table; which was decided in the negative. And,

On motion of Mr. Ray,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Beckes,

The committee of the whole House to which was committed the bill to amend the act entitled an act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state—approved February 12th 1825, was discharged from the further consideration thereof.

Mr. Slaughtert then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Claypool, Clendenin, Craig, Elliott, Ferris, Gray, Hanna, Hoover, Hawk, Hurst, Jackson of D., Johnston of K., Lemon, Little, Long, Lomax, Martin, Morgan, Piercy, Ray, Read, Richardson, Sargeant, Slaughter, Wallace, Work and Moore, Sp'r.—31.

And those who voted in the negative are,

Messrs. Burnett, Hays, Hillis, Jackson of V., Johnson of P., Ketcham, Levenworth, Lewis of F., Lewis of W., M'Kinney, Matlock, Morris, Restine, Roberts, Spann, Stevens, Test and Watts—18.

And so said motion was carried in the affirmative.

And then the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, JANUARY 24, 1827.

The House met pursuant to adjournment.

Mr. Test moved to take up the resolution heretofore offered by Mr. Ray, relative to adjourning sine die on Saturday next; which was decided in the negative.

Mr. Hawk made the following report, to wit:

Mr. Speaker,

The joint committee of free conference appointed on the matters of difference between the two houses, relative to the bill entitled, an act to amend the act entitled an act regulating the practice in suits at law, have agreed that the House of Representatives shall concur in the 1st, 3rd, 4th and 5th amendments made to said bill by the Senate, and for the 2nd amendment the 4th section of the bill as passed by the House of Representatives, shall be stricken out, and the following inserted in lieu thereof, to be the 3rd section of the act, to wit:

Sec. 3. That if any person or persons against whom

there is, or shall be any of the causes of action specified in the twelfth section of the act to which this is an amendment, be or shall be, at the time of any such cause of action given or accrued, without the jurisdiction of this state, that then such person or persons, who is or shall be entitled to such action, shall be at liberty to bring said actions against such person or persons, within one year after their return from without this state: *Provided however,* That nothing in this act or the act to which this is an amendment, shall be so construed as in any manner to restrict or limit any defendant or defendants, to any action in pleading set off or payment thereto: *And provided also,* That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his writ, plaint or bill, that in all such cases, and in cases discontinued for want of a court at any regular term, the party plaintiff, his heirs, executors or administrators, as the case shall require, may commence a new action or suit, from time to time, within a year after such judgment reversed, or such judgment given against the plaintiff, or such discontinuance and not after.

Mr. Lewis of W., from the joint committee for enrolled bills, submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled acts, to wit:

An act making general appropriations for the year 1827.

An act to amend an act entitled an act providing for the settlement of decedents' estates and for other purposes—approved January 26th, 1824.

An act concerning the seminary townships of land in Gibson and Monroe counties.

An act to establish a road from the town of Crawfordville in Montgomery county, to the town of Coyington in Fountain county.

An act to extend a certain law therein named.

An act for raising the salary of the agent of the state for the town of Indianapolis.

An act for the relief of the securities of Abraham Elliott late sheriff of Wayne county.

An act supplemental to an act entitled, an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges—approved January 7th 1824.

An act more fully to carry into effect an act to provide for the appointment of a separate commissioner for that part of the state road leading from Mauk's Ferry to Indianapolis, which lies between the town of Indianapolis and Franklin.

A joint resolution of the General Assembly relative to purchasers of public lands. And,

A joint resolution on the Subject of the school lands in the state of Indiana; and find the same truly enrolled. When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Lewis of W. reported further—That the joint committee for enrolled bills did on this day present to his Excellency the Governor for his approval and signature, the enrolled bill entitled:

An act to amend the several acts now in force relative to assessing and collecting the revenue.

Mr. Long moved to take up the engrossed bill from the Senate entitled an act to define the eastern boundary line of Henry county; which was carried in the affirmative.

Mr. Lomax moved to postpone the further consideration of said bill until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Claypool, Clendenin, Elliott, Ferris, Hoo-

ver, Howk, Hurst, Jackson of D., Ketcham, Lemon, Little, Lewis of F., Lomax, Marshall, Martin, Piercy, Ray, Restine, Roberts, Sweetser, Wilson and Work —22.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Burnett, Craig, Daniel, Fitzgerald, Hanna, Hays, Hillis, Johnson of P., Johnston of K., Levenworth, Long, Lewis of W., Matlock, Morgan, Morris, Read, Richardson, Sargeant, Spann, Stevens, Test, Watts and Moore, Sp'r. —26.

And so said motion was decided in the negative.

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Burnett, Craig, Daniel, Fitzgerald, Hanna, Hays, Hillis, Johnson of P., Johnston of K., Levenworth, Little, Long, Matlock, Morgan, Morris, Read, Richardson, Sargeant, Spann, Stevens, Test and Watts —26.

And those who voted in the negative are,

Messrs. Claypool, Clendenin, Elliott, Ferris, Hoover, Howk, Hurst, Jackson of D., Ketcham, Lemon, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Piercy, Ray, Restine, Roberts, Sweetser, Wilson Work and Moore, Sp'r.—23.

And so said bill passed.

Ordered, That Mr. Long inform the Senate thereof.

Mr Craig moved to re-consider the vote of yesterday, postponing indefinitely the bill appropriating a certain sum for the use of the Marion county library ; which was decided in the negative.

The House took up and proceeded to consider the bill to provide for the survey and location of a canal from Fort Wayne to some point on the Wabash river, north of the mouth of the Tippecanoe river.

Mr. Wilson moved to lay said bill on the table ; which was decided in the negative.

Said bill was then committed to a committee of the whole House for this evening at 6 o'clock.

The engrossed bill from the Senate entitled an act appointing a board of visitors to the state seminary at Bloomington, and for advancing the interests of said institution, was read a second time.

Mr. Test moved to amend the first section of said bill by adding the name of William B. Laughlin; which was carried in the affirmative.

Mr. Claypool then moved to postpone the further consideration of said bill indefinitely; which was decided in the negative.

Mr. Richardson moved further to amend the first section of said bill by adding the name of William McClure; which was carried in the affirmative.

Mr. Craig moved further to amend the first section of said bill by adding the name of William S. Cornett; which was carried in the affirmative.

Mr. Hillis moved further to amend said bill by adding the name of Beaumont Parkes; which was carried in the affirmative.

Mr. Stevens moved further to amend the first section of said bill by adding thereto circuit judges, prosecuting attorneys and members of congress; which was decided in the negative.

Mr. Lomax moved further to amend the first section of said bill by adding thereto the name of Henry Way; which was carried in the affirmative.

Mr. Fitzgerald moved further to amend the first section of said bill, by adding thereto the name of Jeremiah Cash; which was carried in the affirmative.

Mr. Hurst moved further to amend the first section of said bill, by adding the name of Samuel Scott; which was carried in the affirmative.

Mr. Stevens moved further to amend the first section of said bill by adding the name of Jeremiah Cox; which was decided in the negative.

Mr. Hoover moved further to amend the first section of said bill by adding the name of Elijah Coffin.

And debate arising thereon, Mr. Morgan called for the previous question, and the call being seconded by

three members, the said previous question was then put in the manner prescribed by the rules of this House; that is to say: Shall the main question be now put? and it was carried in the affirmative.

The said main question, to wit: Shall the amendments to said bill be engrossed and with said bill read a third time to-morrow; which was carried in the affirmative.

Mr. Hanna moved to postpone the several orders of the day which precede the bill to authorize the trustees of school section No. 20, in range No. 14 east of the principal meridian line in Randolph county, to lease the school section of said township, and take the same up; which was carried in the affirmative.

Mr. Ray moved to amend said bill by adding the following as a third section thereto, to wit:

That the trustees of the fifteenth congressional township in the 12th range east of the second principal meridian in Fayette county, are hereby authorized to lease the 17th section in said township for any term of time not exceeding ninety-nine years, under the provisions of the several acts now in force on that subject; which was carried in the affirmative.

Mr. Ketcham moved further to amend said bill by adding the following proviso, to wit:

Provided however, That the said trustees shall not be authorized to lease said school section under the provisions of this act unless it appear that at least three fourths of the whole amount of the lands within such congressional townships have been entered and in the actual occupancy of bona fide settlers; which was decided in the negative.

Ordered, That said bill be engrossed and read a third time to-morrow.

A message from the Governor, by W. W. Wick:

Mr. Speaker,

I am directed by the Governor to announce to the House of Representatives, that on this day (January 24th) the acts which originated in this House entitled:

An act to amend the several acts now in force relative to assessing and collecting the revenue.

An act to provide for recording brands, ear marks and for posting estrays in the counties therein named and for other purposes. And,

An act to provide for building certain bridges and for other purposes, have severally received his approbation and signature.

Mr. Beckes moved to suspend for the present, the several orders of the day, and take up the resolution heretofore offered by Mr. Ray relative to adjourning sine die on Saturday next; which was carried in the affirmative.

Mr. Ketcham then moved that the further consideration thereof be indefinitely postponed; which was decided in the negative.

Mr. Sweetser then moved to amend said resolution so as to read as follows, to wit:

Resolved, That this house will adjourn sine die on Saturday next the 27th instant, that the Senate be informed thereof and their concurrence requested; which was carried in the affirmative.

Said resolution as amended was then adopted by the House.

Ordered, That the Clerk inform the Senate thereof and request their concurrence therein.

Mr. Beckes moved to suspend the orders of the day and take up the engrossed bill from the Senate to amend the act entitled an act subjecting real and personal estate to execution—approved January 30, 1824; which was decided in the negative.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have been officially informed that the Governor on the 23d instant approved and signed the following enrolled bills entitled acts, which originated in the Senate, viz:

An act to legalize the proceedings of the board of justices of Greene county at a special session held on the 13th day of May 1826.

An act attaching part of the county of Perry to the county of Crawford.

The Senate concur in the report of the joint committee of free conference on the disagreeing votes of the two houses on the amendments made by the Senate to the engrossed bill of the House of Representatives entitled, an act to amend the act entitled an act regulating the practice in suits at law.

On motion of Mr. Ferris,

The House concurred in the report of the committee of free conference appointed on the disagreeing votes of the two houses on the amendments proposed by the Senate to the bill to amend the act entitled an act regulating the practice in suits at law.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate entitled an act to amend the act regulating the fees of the several officers and persons therein named—approved January 30th 1824, was read a second time; When,

Mr. Lomax moved to lay the same on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Brown, Burnett, Craig, Elliott, Hanna, Hays, Hoover, Hurst, Jackson of V., Long, Lewis of W., Lomax, Matlock, Read, Richardson, Slaughter, Sweetser, Wallace and Moore, Sp'r.—20.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Chamberlin, Claypool, Clendenin, Daniel, Ferris, Gray, Hillis, Howk, Jackson of D., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Lewis of F., Marshall, Martin, Morgan, Morris, Piercy, Ray, Restine, Roberts, Sargeant, Spann, Test, Watts, Wilson and Work—33.

And so said motion was decided in the negative.

Mr. Hurst then moved to commit said bill to a committee of the whole House to-morrow; which was decided in the negative.

Mr. Johnston of K. then moved that the rules be dispensed with and said bill be read a third time now; which was decided in the negative.

The same was then ordered to a third reading to-morrow.

The engrossed bill to provide for the survey and location of a state road from Indianapolis to Newport in Vermillion county, was read a third time, amended by consent and passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill from the Senate entitled an act to provide for the building an office for the use of the clerk of the Supreme Court and for other purposes, was read a third time, amended by consent and passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence in said amendment.

The engrossed bill providing for the re-location of the seat of justice in the county of Dearborn, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Chamberlin, Claypool, Craig, Daniel, Ferris, Fitzgerald, Hanna, Hays, Hillis, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., Lomax, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Watts and Moore, Sp'r.—46.

And those who voted in the negative are,

Messrs. Clendenin, Elliott, Gray, Marshall, Wallace and Wilson—6.

And so said bill passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Hillis,

The committee of the whole House to which was committed the joint resolution of the General Assembly of the state of Indiana, from the Senate, was discharged from the further consideration thereof.

Mr. Test then moved to lay the same on the table.

And then the House adjourned until half past 1 o'clock P. M.

Half past 1 o'clock, P. M.

The House met pursuant to adjournment.

The House proceeded to consider the motion of Mr. Test, to lay on the table the joint resolution of the General Assembly of the state of Indiana, from the Senate.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Boon Burnett, Chamberlin, Claypool, Clendenin, Craig, Gray, Hanna, Howk, Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of W., Marshall, Morgan, Piercy, Ray, Read, Sargeant, Spann, Stevens, Sweetser, Test, Watts and Work—30.

And those who voted in the negative are,

Messrs. Bassett, Brown, Daniel, Elliott, Ferris, Hays, Hillis, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Lewis of F., Lomax, M'Kinney, Martin, Matlock, Morris, Restine, Roberts, Slaughter, Wallace, Wilson and Moore Sp'r.—24.

And so said motion was carried in the affirmative.

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate entitled an act providing for an additional sale of lots in the town of Indianapolis; and the bill from this house on the same subject: And after some time spent therein, the Speaker resumed the chair, and Mr. Marshall reported the first named bill with several amendments, and the second named bill with one amendment, which was by striking it out from its enacting clause.

The House concurred in said amendments generally.

On motion of Mr. Stevens,

The last named bill was indefinitely postponed.

Ordered, That the amendments made to the first named bill be engrossed and with said bill be read a third time to day.

Mr. Ketcham moved to postpone the orders of the day for the present, and take up the bill for the relief of John M. Wilson; which was decided in the negative.

On motion of Mr. Hillis,

The committee of the whole House to which was committed the bill for the relief of William W. Wick, was discharged from the further consideration thereof.

Said bill was then considered as engrossed and read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Brown, Chamberlin, Clendenin, Craig, Daniel, Fitzgerald, Gray, Hanna, Hays, Hillis, Hurst, Jackson of V., Ketcham, Lemon, Levenworth, Long, Lewis of F., M'Kinney, Marshall, Matlock, Morgan, Morris, Ray, Richardson, Roberts, Slaughter, Spann, Stevens, Sweetser, Wallace, Wilson, Work and Moore, Sp'r.—35.

And those who voted in the negative are,

Messrs. Beckes, Boon, Burnett, Claypool, Elliott, Ferris, Hoover, Jackson of D., Johnson of P., Johnston of K., Little, Lewis of W., Lomax, Martin, Piercy, Restine, Sargeant, Test and Watts—19.

And so said bill passed.

Ordered, That the same be entitled an Act. and that the clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Claypool,

The committee of the whole House to which was committed the bill to provide for the survey of canal routes within the state of Indiana, and to establish a board of commissioners on internal improvements, was discharged from the farther consideration thereof.

On motion of Mr. Johnston of K.,

Said bill was re-committed to the same committee of

the whole House to which was committed the bill to provide for the survey and location of a canal route from Fort Wayne to some point on the Wabash above the Tippecanoe river.

On motion of Mr. Sweetser,

The committee of the whole House to which was committed the bill to amend the act entitled an act to regulate the mode of doing county business, was discharged from the further consideration thereof.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the bill to establish a county seminary in the county of Fayette: And after some time spent therein, the Speaker resumed the chair, and Mr. Martin reported the same with several amendments; which were concurred in by the House.

Ordered, That said bill be engrossed and read a third time to-morrow.

The House resolved itself into a committee of the whole, on the joint resolution relative to the late treaty with the Indians: After some time spent therein, the Speaker resumed the chair, and Mr. Matlock reported the same without amendment.

Mr. Beckes then moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Chamberlin, Claypool, Clendenin, Craig, Daniel, Gray, Hoover, Hawk, Hurst, Jackson of D., Johnson of P., Levenworth, Little, Lewis of W., Lomax, Richardson, Sergeant, Slaughter, Stevens, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r.—29.

And those who voted in the negative are,

Messrs. Ally, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hillis, Jackson of V., Johnston of K., Ketcham, Lemon, Long, Lewis of F., Marshall, Martin,

Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Roberts, Spann, and Wilson—25.

And so said motion was carried in the affirmative.

On motion of Mr. Elliott,

The committee of the whole House to which was committed the joint resolution of the General Assembly proposing an amendment to the Constitution of the United States, was discharged from the further consideration thereof.

Mr. Test then moved to lay the same on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Craig, Daniel, Ferris, Hanna, Hurst, Jackson of V., Johnson of P., Little, Lewis of F., Slaughter, Stevens, Sweetser, Test, Watts, Wilson and Moore, Sp'r.—18.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Chamberlin, Claypool, Clendenin, Elliott, Fitzgerald, Gray, Hays, Hillis, Hoover, Hawk, Jackson of D., Johnston of K., Ketcham, Lemon, Levenworth, Long, Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Ray, Read, Restine, Richardson, Roberts, Sargeant, Spann, Wallace and Work—36.

And so said motion was decided in the negative.

Mr. Hoover then moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Craig, Daniel, Elliott, Ferris, Hanna, Hillis, Hoover, Hurst, Jackson of V., Johnson of P., Little, Lewis of F., Martin, Matlock, Morris, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Wilson and Moore Sp'r.—31.

And those who voted in the negative are,

Messrs. Ally, Chamberlin, Claypool, Clendenin,

Fitzgerald, Gray, Hays, Howk, Jackson of D., Johnston of K., Ketcham, Lemon, Levenworth, Long, Lewis of W., Lomax, Marshall, Morgan, Piercy, Ray, Read, Watts and Work—23.

And so said motion was carried in the affirmative.

On motion of Mr. Sweetser,

The committee of the whole House to which was committed the joint resolution respecting the improvement in the navigation of the river Wabash, was discharged from the further consideration thereof.

Mr. Sweetser then moved to postpone the further consideration of said joint resolution indefinitely; which was decided in the negative.

Mr. Johnston of K. then moved to re commit said joint resolution to the same committee of the whole House to which was committed the bill to provide for the survey and location of a canal route from Fort Wayne to some point on the Wabash river, north of the mouth of the Tippecanoe river; which was carried in the affirmative.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives entitled acts as follows, to wit:

An act legalizing the proceedings of the school trustees of congressional township No. 9, in range No 2 west, also congressional township No. 12, in range No. 13 east in Franklin county with amendments.

An act for the organization of Delaware county without amendment.

An act regulating the manner of doing county business in certain counties therein named, and also to elect township officers, with amendments.

They have passed original bills of the following titles, to wit:

An act to establish county seminaries in the several counties therein named.

An act authorizing Daniel Fetter and Lewis Shryer to purchase and occupy five acres of land therein named.

An act to provide for a county seminary in the county of Clark.

An act to suspend in part an act to authorize the location of certain state roads—approved January 31, 1824, and an act amendatory thereto—approved January 21, 1826.

An act for the re location of the seat of justice of Madison county and for the formation of the county of Hancock.

An act authorizing Arthur Major to build a bridge across big Flat Rock; in which several amendments and original bills, the concurrence of this House is requested.

The Senate have been officially informed that the Governor on this day approved and signed the following acts which originated in the Senate, viz:

An act incorporating the Washington county seminary.

An act declaring the east fork of Whitewater river a public highway. And,

An act to amend an act entitled an act for opening and repairing public roads and highways in certain counties therein named—approved January 12th, 1826.

They concur in the amendment proposed by this House to the engrossed bill of the Senate, entitled an act providing for the erection of an office for the Clerk of the Supreme Court and for other purposes.

The House agree to the amendments proposed by the Senate to the bill legalizing the proceedings of the school trustees of congressional township No. 9 in range No. 2 west; also, congressional township No. 12 in range No. 13 east, in Franklin county.

Ordered, That the Clerk inform the Senate thereof.

The House agree to the amendments proposed by the Senate to the engrossed bill of this House, entitled an act regulating the manner of doing county business in certain counties therein named and to elect township officers.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate entitled an act authorizing Daniel Fetter and Lewis Shryer to purchase

and occupy five acres of land therein named, was read the first time; When,

Mr. Hillis moved to reject the same; which was decided in the negative.

Said bill was then read a second time, the rule having first been dispensed with.

Mr. Johnston of K. then moved to amend said bill by striking out \$5, and inserting \$10, the price per acre to be paid for said land; which was decided in the negative.

The rules of the House was further dispensed with, said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate, entitled an act authorizing Arthur Major to build a bridge across Big Flat Rock, was read the first, second and third times, the rule having first been dispensed with, and passed.

Ordered, that the clerk inform the Senate thereof.

The engrossed bill from the Senate, entitled, an act to suspend in part, an act to authorize the location of certain state roads, approved Jan. 31st 1824; and, an act amendatory thereto, approved Jan. 21, 1826, was read the first time; when,

Mr. Lewis of F. moved to reject said bill; which was carried in the affirmative.

The engrossed bill from the Senate, entitled an act to establish county seminaries in the counties therein named, was read the first and second times, the rule having been dispensed with, and committed to a committee of the whole House now.

The House according to order resolved itself into a committee of the whole on said bill: After some time spent therein, the Speaker resumed the chair, and Mr. Morgan reported the same with several amendments; which were concurred in by the House.

Mr. Lewis of F. then moved further to amend said bill by striking out that part of section which authorizes the circuit court to appoint trustees, and insert the following in lieu thereof, to wit:

That the qualified voters shall on the first Monday in August next, and triennially thereafter, elect three

trustees in each county herein named, and in case of death, resignation or otherwise, it shall be the duty of the circuit court in term time, or the associate judges in vacation, to appoint some suitable person or persons, to fill such vacancy until the next annual election.

Mr. Lemon moved to amend the proposed amendment by striking out the first Monday in August, and insert the first Monday in September; which was decided in the negative.

And the ayes and noes being required on the amendment proposed by Mr. Lewis of F. by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Claypool, Elliott, Hanna, Hays, Hillis, Hoover, Jackson of D., Johnston of K., Ketcham, Lemon, Levenworth, Long, Lewis of F., Lomax, M^r Kinney, Marshall, Martin, Matlock, Morgan, Piercy, Read, Restine, Richardson, Roberts, Sargeant, Slaughter, Spann, Test, Wallace, Watts, Wilson and Moore, Sp^r.—35.

And those who voted in the negative are,

Messrs. Beckes, Brown, Burnett, Chamberlin, Clendenin, Ferris, Gray, Jackson of V., Johnson of P., Lewis of W. and Sweetser—11.

And so said motion was carried in the affirmative.

Ordered, That the amendments to said bill be engrossed and with said bill be read a third time to-morrow.

On motion of Mr. Beckes,

The committee of the whole House to which was committed the bill from the Senate, entitled an act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois, was discharged from the further consideration thereof. And,

On motion of Mr. Beckes,

Said bill was re-committed to the same committee of the whole House, to which was committed the bill to provide for the survey and location of a canal from Fort Wayne to some point on the Wabash river north of the mouth of the Tippecanoe river.

And then the House adjourned until half past 6 o'clock P. M.

Half past 6 o'clock P. M.

The House met pursuant to adjournment.

The House resolved itself into a committee of the whole on the following bills and joint resolution, to wit:

1st. The bill to provide for the survey and location of a canal from Fort Wayne to some point on the Wabash river north of the mouth of the Tippecanoe river—2ndly. The bill to provide for the survey of canal routes within the state of Indiana, and to establish a board of commissioners on internal improvements—3rdly. The engrossed bill from the Senate entitled an act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois—and 4thly. The joint resolution respecting the improvement in the navigation of the river Wabash: After some time spent therein, the Speaker resumed the chair, and Mr. Morris reported the first and third named bills, and also the joint resolution with amendments, and the second named bill without amendment.

Mr. Hanna moved to lay the first named bill on the table; which was carried in the affirmative.

Mr. Gray then moved to lay the second named bill on the table; which was also carried in the affirmative.

Mr. Elliott then moved to postpone the further consideration of said joint resolution indefinitely; which was also carried in the affirmative.

The House then concurred in the amendments made to the third named bill.

Ordered, That the amendments made thereto, be engrossed and with said bill be read a third time to-morrow.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have adopted the following resolution, to wit:

Resolved, That the Senate will adjourn sine die on Saturday the 27th instant, that the House of Repre-

representatives be informed of the adoption of this resolution.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 25, 1827.

The House met pursuant to adjournment.

Mr. Stevens informed the House that the Honorable Judge Cotton, a Senator from his district, in consequence of ill health had obtained leave of the Senate to return home, and that Judge Cotton was in need of medical aid on his way Home; therefore he asked of the House in the name of Dr. Chamberlin, leave of absence for the balance of this session; which leave was granted by the House.

Mr. Bullock from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills did on this day present to his Excellency the Governor for his approval and signature, the following enrolled bills entitled acts, to wit:

An act concerning the Seminary townships of land in Gibson and Monroe counties.

An act to establish a road from the town of Crawfordsville in Montgomery county, to the town of Covington in Fountain county.

An act to extend a certain law therein named.

An act for raising the salary of the agent of the state for the town of Indianapolis.

An act supplemental to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased, for the use of schools, meeting houses or masonic lodges—approved January 7th 1824.

An act making general appropriations for the year 1827.

An act to amend an act entitled an act providing for

the settlement of decedents' estates and for other purposes—approved January 26th 1824.

An act more fully to carry into effect an act to provide for the appointment of a separate commissioner for that part of the state road leading from Mauk's Ferry to Indianapolis. which lies between the towns of Indianapolis and Franklin. And,

An act for the relief of the securities of Abraham Elliott late sheriff of Wayne county.

Also the following joint resolutions, to wit :

A joint resolution of the General Assembly relative to purchasers of the public lands. And,

A joint resolution on the subject of the school lands in the state of Indiana.

Mr. Lewis of W. from the joint committee for enrolled bills submitted the following report, to wit :

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the following engrossed bills entitled acts, to wit :

An act to amend the act entitled an act regulating the practice in suits at law.

An act for the organization of Delaware county.

An act providing for the erection of an office for the Clerk of the Supreme Court and for other purposes.

An act establishing the eastern boundary of Henry county.

An act to amend an act entitled an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per. cent fund for opening the same—approved December 31, 1821.

An act legalizing the proceedings of the school trustees in congressional township No. 9, in range No. 2 west ; also, congressional township No. 12, in range No. 13 east in Franklin county. And,

An act regulating the manner of doing county business in certain counties therein named, and also to elect township officers ; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Ketcham moved to re-consider the vote on Tuesday last, rejecting the engrossed bill from the Senate entitled an act to amend the act to establish a state road from Terre-Haute to Fort Wayne ; which was carried in the affirmative.

Mr. Restine moved to strike out the third section of said bill and insert the following in lieu thereof, to wit :

Sec. 3. That there shall be appropriated out of the three per cent fund the sum of three thousand dollars, one half to be paid on the first of September 1827, and the other half to be paid on the first day of September 1828 for the purpose of opening said road, and the agent of the three per cent fund is hereby directed to pay the same to the commissioners of said road on the days aforesaid, or as soon thereafter as he shall have money in his hands belonging to said fund, not previously appropriated.

A division of the question being called for, the question was taken on striking out the 3rd section of said bill ; and the same was carried in the affirmative. And,

On motion of Mr. Wilson,

Said bill and proposed amendment was ordered to lie on the table.

The engrossed bill from the Senate, entitled an act for re-locating the seat of justice of Madison county, and for the formation of the county of Hancock ; was read the first time. When,

Mr. Craig moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Bullock, Burnett, Clendenin, Craig, Elliott, Hoover, Howk, Hurst, Johnson of P., Ketcham, Lewis of W., Lomax, Martin, Matlock, Piercy, Richardson, Sargeant, Wallace, Wilson and Work—20.

And those who voted in the negative are,

Messrs. Ally, Bassett, Beckes, Brown, Claypool,

Daniel, Ferris, Fitzgerald, Gray, Hanna, Jackson of D., Jackson of V., Johnston of K., Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Morgan, Morris, Ray, Restine, Roberts, Spann, Stevens, Test, Watts and Moore, Sp'r.—29.

And so said motion was decided in the negative.

Said bill then passed to a second reading to-morrow.

The engrossed bill from the Senate entitled an act to provide for a county seminary in the county of Clark, was read the first and second times, the rule having first been dispensed with, and passed to a third reading to-morrow.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives entitled acts as follows, to wit :

An act providing for the re-location of the seat of justice in the county of Dearborn, with amendments.

An act in aid of the corporation of the president and trustees of the town of Jeffersonville, with amendment.

An act to authorize Franklin F. Sawyer to sell and convey certain real estate, without amendment; in which amendments to the two first named bills the concurrence of the House of Representatives is requested.

The House disagree to the amendment proposed by the Senate to the bill of this House in aid of the corporation and trustees of the town of Jeffersonville.

Ordered, that the clerk inform the Senate thereof.

The question being put, Will the House agree to the amendment proposed by the Senate to the engrossed bill of this House, providing for the re-location of the seat of justice in the county of Dearborn? which was by striking out the first section thereof from its enacting clause and inserting the following in lieu thereof, to wit :

That James Leviston of Union county, John Thompson of Rush county, Moody Park of Jefferson county, Thomas Hendricks of Decatur county and David Hoover of Wayne county, are hereby appointed commissioners to re-locate the seat of justice of the county of Dearborn, any three of whom shall be a quorum to transact

business, and who shall meet at the House of John Myers in Wilmington in said county on the fourth Monday of March next, or at such other time as a majority of them may agree upon, and have power to adjourn from time to time as they may deem necessary. The commissioners after being duly sworn faithfully to discharge the duties assigned them, which oath may be administered by any person authorized to administer oaths, shall proceed to locate said seat of justice for said county, as near the centre thereof as the situation of the land and the interest of the county will admit, having due regard to the present and probable future population thereof.

And the ayes and noes being required by two members on the question to agree to said proposed amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Bullock, Fitzgerald, Hanna, Hays, Hawk, Lemon, Levenworth, Little, Long, Lewis of F., M'Kinney, Morgan, Morris, Ray, Read, Richardson, Test, Wallace and Watts
—22.

And those who voted in the negative are,

Messrs. Brown, Burnett, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Gray, Hoover, Hurst, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lewis of W., Lomax, Martin, Matlock, Piercy, Restine, Roberts, Sargeant, Spann, Stevens, Wilson, Work and Moore, Sp'r.—29.

So said amendment was disagreed to by the House.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. M'Kinney,

The House took up the bill for the relief of John M. Wilson.

Mr. Ketcham moved to amend said bill by adding the following as section 2d thereto, to wit:

Sec. 2. That John W. Lee late sheriff of Monroe county for the year 1818, be allowed the sum of thirty seven dollars sixty-six and two third cents, for delin-

quencies in that year; which was carried in the affirmative.

Mr. M'Kinney moved further to amend said bill by striking out the first section, and insert the following in lieu thereof, to wit:

That the forfeiture and per. centum accruing to the state of Indiana, on a judgment rendered against John M. Wilson late sheriff and collector of Fayette county and his securities, for a balance of the state revenue for the year 1822, be and the same is hereby remitted: *Provided however*, That nothing herein shall operate to exempt the said John M. Wilson and his securities from liability for the costs of court and the fee of the prosecuting attorney; which was carried in the affirmative.

Ordered, That said bill be engrossed and read a third time to-day.

The engrossed bill from the Senate entitled an act to amend the act entitled an act regulating the fees of the several officers and persons therein named—approved January 30th 1824; was read the third time. When,

Mr. Wilson moved to re-commit said bill to a committee of the whole House now; which was carried in the affirmative.

The House according to order resolved itself into a committee of the whole on said bill: After some time spent therein, the Speaker resumed the chair, and Mr. Piercy reported the same without amendment.

Mr. Boon then moved to amend said bill by the addition of the following as section 3rd thereto, to wit:

Be it further enacted, That the officers and persons herein mentioned shall be entitled to receive for their services the fees hereby allowed:

Justices of the Peace.

For every investigation of a criminal information on oath,	80	37 $\frac{1}{2}$
Swearing each witness,	6	1 $\frac{1}{4}$
For every warrant or other process in a criminal case,	18	3 $\frac{3}{4}$
Every bond or recognizance,	18	3 $\frac{3}{4}$
Every precept for forcible entry and detainer,	1	50

Writing and signing every attachment,	18 $\frac{3}{4}$
Taking an acknowledgment of a deed, or power of attorney,	18 $\frac{3}{4}$
Order for relieving a pauper,	12 $\frac{1}{2}$
Order for removing a pauper,	25
Issuing scire facias,	18 $\frac{3}{4}$
Certifying description of a boat adrift or estray,	18 $\frac{3}{4}$
Warrant and certificate of appraisement,	18 $\frac{3}{4}$
Taking and certifying depositions,	18 $\frac{3}{4}$
And for each hundred words therein contained more than one hundred,	10
For each process required by law in civil cases, and not herein enumerated,	10
For every writing or record not herein provided for, every hundred words,	10
Every trial and entry of judgment,	18 $\frac{3}{4}$
Entering judgment by default or confession,	10
For certified copies of all proceedings, for each hundred words,	10
Entering each rule of reference or continuance,	10
Every bond or recognizance of bail,	18 $\frac{3}{4}$
Every dedimus,	18 $\frac{3}{4}$
Every precept for summoning jury,	10
Entering verdict of such jury,	10
Each transfer of judgment,	10
Issuing an execution,	12 $\frac{1}{2}$
Issuing subpœna for witnesses to include all that are called for at one time,	10
<i>Constables fees in civil cases.</i>	
For serving a summons or warrant on each person therein named,	18 $\frac{3}{4}$
Travelling to serve process per mile,	4
When two or more are named in such process milage shall be allowed to the place of actual service the most remote from the place where such process is returnable,	
A copy of the process left at the defendants residence,	10
Serving a subpœna for each person named therein,	10

Returning each warrant, summons or scire facias,	5
Taking bail bond,	18 $\frac{3}{4}$
Serving execution and milage as above,	18 $\frac{3}{4}$
Commitment to prison,	18 $\frac{3}{4}$
Sale of goods when the amount does not exceed six dollars,	18 $\frac{3}{4}$
On all sums above six dollars three per centum, and on all monies collected on execution without sale, half the above commission,	
Returning the same,	6 $\frac{1}{4}$
For summoning a jury in any case,	18 $\frac{3}{4}$
Attending jury trial before justice,	10
<i>Constables fees in criminal cases.</i>	
For serving a capias on each person therein named,	25
Serving subpœna,	10
Travelling to serve process per mile,	4
Attending an examination of a person charged with a crime,	18 $\frac{3}{4}$
If more than one an addition for each,	5
Commitment of each person,	18 $\frac{3}{4}$

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Hanna, Hays, Hillis, Howk, Johnson of P., Johnston of K., Ketcham, Levenworth, Lewis of F., Piercy, Ray, Read, Restine, Test and Wilson—19.

And those who voted in the negative are,

Messrs. Brown, Burnett, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Gray, Hoover, Hurst, Jackson of D., Jackson of V., Lemon, Little, Long, Lewis of W., Lomax, Martin, Matlock, Morgan, Morris, Roberts, Sargeant, Spann, Wallace, Watts, Work and Moore, Sp'r.—29.

And so said motion was decided in the negative.

Mr. Ally moved further to amend said bill by adding the following as a proviso to section, to wit:

Provided also, That if any person or persons hereaf-

ter, shall inform against any person committing a petit mismedeanor and the prosecution fails, the informer shall pay the costs; which was decided in the negative.

Ordered, That said bill be read a third time to-morrow.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate insist on the amendments proposed by them to the engrossed bill from the House of Representatives entitled, An act for the re-location of the seat of justice for the county of Dearborn.

They recede from the amendment proposed to the engrossed bill of the House of Representatives entitled:

An act in aid of the corporation of the president and trustees of the town of Jeffersonville.

They have passed bills of the House of Representatives of the following titles, to wit:

An act in addition to an act entitled, an act regulating the fees of the several officers therein named—approved January 30th 1824.

An act for the sale of the real estate of Thomas Bullitt deceased. And,

An engrossed joint resolution of this House respecting the revenue, without amendment.

They have adopted the following resolution, to wit:

Resolved, That a committee of free conference be appointed on the part of the Senate, to act with a similar committee which they request may be appointed on the part of the House of Representatives, to take into consideration the disagreeing votes of the two Houses relative to the amendments proposed by the Senate to the engrossed bill of the House of Representatives entitled, an act for the re-location of the seat of justice of Dearborn county, and that Messrs. Watts and Gregory be said committee on the part of the Senate.

On motion of Mr. Beckes,

Resolved, That a committee of free conference be appointed on the part of this House, to act with the committee appointed on the part of the Senate on the disagreeing votes of the two Houses relative to the bill of this House providing for the re-location of the seat of justice in the county of Dearborn. When,

The Speaker appointed Messrs. Beckes, and Marshall said committee.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill to amend an act entitled an act to regulate the mode of doing county business—the engrossed bill to establish a county seminary in the county of Fayette—the engrossed bill from the Senate, appointing a board of visitors to the state seminary at Bloomington, and to advance the interest of said institution—the engrossed bill from the Senate, entitled an act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois—and the engrossed bill from the Senate, entitled an act authorizing an additional sale of lots in the town of Indianapolis, were severally read a third time and passed, the last four with amendments.

Ordered, That the two first named bills be entitled Acts, and that the Clerk carry the same to the Senate and ask their concurrence therein.

And that he carry the four last named bills to the Senate and ask their concurrence in said amendments.

The engrossed bill to authorize the trustees of township No. 20, in range No. 14 east of the principal meridian in Randolph county, to lease the school section of said township, was read a third time and passed.

The words “and for other purposes” was added to the title.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill from the Senate entitled an act to establish county seminaries in the several counties therein named, was read a third time and passed as amended.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence in said amendments.

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled an act to amend the act entitled an act to regulate the judicial circuits and fixing the times of holding courts therein: After some time spent therein, the Speaker resumed the chair, and Mr. Ray reported the same with several amendments; which were concurred in by the House generally.

Mr. Sweetser moved to amend said bill by striking out the 4th section thereof, which reads in the words following, to wit:

Sec. 4. The circuit courts in the fifth judicial circuit shall be held on the days and times following, to wit:

In the county of Hendricks, on the last Mondays in February and August; in the county of Morgan, on the Thursdays succeeding the courts in Hendricks; in the county of Monroe, on the first Mondays in March and September; in the county of Bartholomew, on the second Mondays in March and September; in the county of Johnson, on the third Mondays in March and September; in the county of Shelby, on the Wednesdays preceding the first Mondays in April and October; in the county of Decatur on the first Mondays in April and October; in the county of Rush, on the second Mondays in April and October; in the county of Henry, on the third Mondays in April and October; in the county of Madison, on the Thursdays succeeding the courts in Henry; in the county of Marion on the first Mondays in April and October; in the county of Hamilton, on the fifth Mondays in April and October; and the said courts to be holden in the counties, of Monroe, Bartholomew, Johnson, Decatur, Rush and Marion, shall sit six days if the business require it; the courts in the county of Shelby shall sit four days if the business require it, and the courts in the counties of Hendricks, Morgan, Henry, Madison and Hamilton, shall severally sit three days if the business require it.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Boon, Clendenin, Craig, Hillis, Hoover, Hawk, Jackson of D., Ketcham, Lemon, Levenworth, Little, Lewis of F., Lewis of W., Lomax, M'Kioney, Martin, Matlock, Morris, Piercy, Ray, Read, Richardson, Sargeant, Spann, Stevens, Sweetser, Wilson and Work—29.

And those who voted in the negative are,

Messrs. Ally, Bassett, Brown, Burnett, Claypool, Elliott, Hanna, Hays, Jackson of V., Johnston of K., Long, Morgan, Restine, Slaughter, Test, Wallace, Watts and Moore Sp'r.—18.

And so said motion was carried in the affirmative.

Mr. Test then moved to postpone the further consideration of said bill indefinitely; which was decided in the negative.

Mr. Levenworth moved further to amend said bill by adding the following in lieu of the 4th section which was stricken out, to wit:

The circuit court in the county of Crawford in the 4th judicial circuit, shall commence and be held on the Mondays next succeeding the Mondays on which it commences its session in the county of Perry, and shall continue its session at each term as long as the business may require; which was decided in the negative.

Mr. Test moved further to amend said bill by inserting the following in lieu of section, which was stricken out, to wit:

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the circuit courts in the sixth judicial circuit shall be held on the days and times following, to wit:

In the county of Morgan, on the Thursdays preceding the second Mondays in March and September; in the county of Monroe, on the second Mondays in March and September; in the county of Bartholomew, on the Thursdays succeeding the courts in Monroe; in the county of Johnson, on the Thursdays succeeding the courts in Bartholomew; in the county of Shelby, on the first Mondays of April and October; in the county of

Decatur, on the Thursdays succeeding the courts in Shelby; in the county of Rush, on the second Mondays in April and October; in the county of Henry, on the third Mondays in April and October; in the county of Madison on the Thursdays succeeding the courts in Henry; in the county of Hamilton, on the fourth Mondays in April and October; in the county of Hendricks, on the Thursdays succeeding the courts in Hamilton; and in the county of Marion, on the — Mondays in April and October; and the said courts in the county of Monroe shall sit nine days if the business require it; in the counties of Marion, Rush and Bartholomew, the courts shall sit six days if the business require it, and in the remaining counties of said circuit, the courts shall sit three days if the business require it; which was decided in the negative.

The amendments to said bill was then considered as engrossed, said bill was then read a third time and passed as amended.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence in said amendments.

On motion of Mr. Ferris,

The committee of the whole House to whom was committed the bill to provide for contracting with a public printer, and for printing and distributing the acts, joint resolutions and journals of the present General Assembly, was discharged from the further consideration thereof.

Mr. M'Kinney moved to amend said bill so as to authorize the secretary and auditor of state, and the agent of the state for the town of Indianapolis, to make the contract for printing; which was decided in the negative.

Said bill was then considered as engrossed read a third time and passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill for the relief of John M. Wilson was read a third time.

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Boon, Brown, Claypool, Clendenin, Daniel, Elliott, Ferris, Fitzgerald, Gray, Hanna, Hays, Jackson of D., Jackson of V., Ketcham, Levenworth, Long, Lewis of F., W'Kinney, Martin, Morgan, Morris, Ray, Read, Restine, Slaughter, Watts and Moore, Sp'r.—29.

And those who voted in the negative are,

Messrs. Beckes, Burnett, Hoover, Howk, Johnson of P., Johnston of K., Little, Lewis of W., Lomax, Marshall, Matlock, Piercy, Richardson, Sargeant, Spann, Sweetser, Test, Wallace, Wilson and Work —20.

And so said bill passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The House resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled an act to legalize the proceedings of the executors of William Ballard deceased : After some time spent therein, the Speaker resumed the chair, and Mr. Read reported the same with one amendment ; which was concurred in by the House.

Said amendment was then considered as engrossed and with said bill read a third time and passed.

The title thereof was amended so as to read, "A bill to authorize the executors of William Ballard deceased, to sell and convey certain real estate."

Ordered, That the Clerk carry the same to the Senate and ask their concurrence in said amendment.

On motion of Mr. Test,

The committee of the whole House to whom was committed the joint resolution respecting Blackford's reports, was discharged from the further consideration thereof.

Mr. Howk moved to amend the same by striking out "seventy" the number of copies which is proposed to be

purchased, and insert "one hundred;" which was decided in the negative.

Said joint resolution was then considered as engrossed and read a third time.

And the question being put, Shall the same be adopted by the House.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Burnett, Clendenin, Daniel, Ferris, Fitzgerald, Hanna, Hays, Hawk, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Lewis of F., Marshall, Piercy, Ray, Read, Restine, Sargeant, Slaughter, Sweetser, Test, Wallace, Watts, Wilson and Moore, Sp'r.—34.

And those who voted in the negative are,

Messrs. Ally, Claypool, Elliott, Lewis of W., Lomax, Martin, Matlock and Morgan—8.

And so said joint resolution was adopted by the House.

Ordered, That the clerk carry the same to the Senate and ask their concurrence therein.

And then the House adjourned until half past 6 o'clock P. M.

Half past 6 o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives entitled acts as follows, to wit:

An act making specific appropriations for the year 1827 with amendments.

An act to provide for the surveying of a state road from Indianapolis to New-Port in Vermillion county, Indiana.

An act legalizing the proceedings of the board of justices of Franklin county and for other purposes, with amendments.

An act to vacate a part of the state road from Liberty in Union county, to New Castle in Henry county, with amendments.

They have passed an original bill entitled :

An act supplemental to an act entitled, an act to relocate the seat of justice of Crawford county; in which amendments and original bill the concurrence of this House is requested.

They concur in the amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled :

An act appointing a board of visitors to the state seminary at Bloomington and for advancing the interest of said institution.

They concur in the 2d, 3d, 5th and 6th amendments proposed by the House of Representatives to the engrossed bill of the Senate, entitled :

An act to provide for the improvement of that part of the river Wabash, which is under the joint jurisdiction of Indiana and Illinois, and to refuse to concur in the 1st and 4th amendments to the same.

They concur in the 1st and 4th amendments proposed by this House to the bill of the Senate entitled :

An act to establish county seminaries in the several counties therein named, and refuse to concur in the second and third of said amendments to said bill.

They concur to the first amendment proposed by the House of Representatives to the bill of the Senate, entitled :

An act authorizing an additional sale of lots in the town of Indianapolis and for other purposes; and also, in the 2nd and 3rd amendments to said bill, with amendments; in which several amendments the concurrence of this house is requested.

The House agree to the amendments proposed by the Senate to the following bills of this House, to wit :

1st. The bill to vacate a part of the state road from Liberty in Union county, to New Castle in Henry county—2nd. The bill providing for the survey and location of a road from Indianapolis to Newport in Vermillion county—and 3rd. The bill legalizing the

proceedings of the board of justices of Franklin county.

Ordered, that the clerk inform the Senate thereof.

Mr. Beckes moved that the House insist on their 1st and 4th amendments proposed to the engrossed bill from the Senate entitled, an act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois; which was by striking out so much of the 2d section thereof as provides for an appropriation of any part of the three per cent fund, and adding the following proviso at the end of said bill, to wit:

Provided also, That neither of the commissioners of this state, or that of Illinois, shall become directly or indirectly the purchasers of said stock.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Beckes, Boon, Brown, Claypool, Clendenin, Elliott, Ferris, Gray, Hoover, Hawk, Hurst, Jackson of D., Jackson of V., Johnson of P., Ketcham, Lemon, Levenworth, Little, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morris, Piercy, Restine, Sargeant, Slaughter, Spann, Stevens, Wallace, Watts, Wilson, Work and Moore, Sp'r.—37.

And those who voted in the negative are,

Messrs. Ally, Burnett, Daniel, Hanna, Hays, Hillis, Johnston of K., Long, M'Kinney, Morgan, Ray, Read, Richardson, Roberts, Sweetser and Test—16.

And so said motion was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Ferris,

The House recede from their proposed amendment to the engrossed bill from the Senate entitled, an act to establish county seminaries in the several counties therein named.

Ordered, That the Clerk inform the Senate thereof.

The House proceeded to consider the amendments proposed by the Senate to the engrossed bill of this House, entitled an act making specific appropriations for the year 1827.

They agree to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 and 28.

They disagree to the amendments numbered 13 and 14.

Mr. Lomax moved to agree to the 25th amendment proposed by the Senate to said bill with an amendment by striking out 'three dollars' and inserting 'two dollars' in lieu thereof; the compensation allowed the sergeant at arms.

A division of the question being called for, the question was taken on striking out the words "three dollars."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Elliott, Hoover, Johnson of P., Johnston of K., Ketcham, Long, Lomax, Matlock, Morgan, Piercy, Restine and Wilson—13.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Boon, Brown, Burnett, Clendenin, Daniel, Ferris, Gray, Hanna, Hays, Hillis, Hawk, Hurst, Jackson of D., Jackson of V., Lemon, Levenworth, Little, Lewis of F., Lewis of W., M'Kinney, Marshall, Martin, Morris, Ray, Read, Richardson, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Watts, Work and Moore, Sp'r.—39.

And so said motion was decided in the negative.

Mr. Matlock moved to agree to the 26th amendment proposed by the Senate to said bill with an amendment, by striking out §20, and inserting §10, the compensation allowed John H. Farnham Esq. for defending Thomas H. Roberts, by order of the Senate; which was decided in the negative.

Said amendment was then agreed to by the House.

Mr. Boon moved to concur in the 29th amendment proposed by the Senate to said bill, with an amendment, by striking the same out from the word "the" in the first line, which reads as follows, to wit:

Sec. 3. Auditor and Treasurer of State are hereby required to investigate the claim of Claudius G. Brown, for expenses incurred by repairs done to the late Vincennes University, when it was under the direction of the trustees thereof, who had, when said debt was contracted, charge of the township of land now attached to the state seminary at Bloomington; and the Auditor shall audit, and the Treasurer shall pay to said Brown or his order, the amount which may appear to be due upon principles of equity and justice, and the amount so audited and paid, shall by the Treasurer of State, be deducted from the proceeds of the sale of the aforesaid township of land in Gibson county, and refunded to the treasury so soon as said proceeds reach his hands, as is provided for in the act authorizing the sale thereof.

And insert the following in lieu thereof, to wit:

That the board of justices in the county of Knox, be, and they are hereby required to forthwith provide for and pay to Claudius G. Brown, the amount audited and allowed to him by the president and trustees of the seminary that is now known by the name of the Knox county seminary, with interest thereon from the time the same was allowed until paid, and that if the said board of justices shall refuse, neglect or fail for six months, to comply herewith, that it shall be the duty of the sheriff of Knox county, and he is hereby required to advertise the said Knox county seminary and the land on which it stands belonging thereto, for sale at public auction to the highest bidder for cash in hand, and after advertising the same in the same way and manner that lands are by law required to be advertised on execution of fieri facias, shall sell the same and make a deed therefor to the purchaser: which deed shall vest in the purchaser the legal title thereof clear of all incumbrance; and the said sheriff after paying off the expenses of said sale, and after retaining in his hands his legal fees as on execution, shall pay the balance over to said Brown or his agent, taking a proper receipt therefor; but if the premises shall sell for more than a sufficiency to pay off said Brown and the costs and expenses, the balance shall be paid over to the present owners of said semina-

ry or their authorized agent; and said sheriff shall report all his proceedings to the next General Assembly.

A division of the question being called for, the question was taken on striking out; which was carried in the affirmative.

The question recurring on inserting as proposed by Mr. Boon.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Burnett, Claypool, Daniel, Elliott, Hays, Hillis, Jackson of V., Lemon, Lewis of W., Richardson, Spann, Stevens, Sweetser, Watts, and Work —17.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Clendenin, Ferris, Gray, Hanna, Hoover, Howk, Jackson of D., Johnson of P., Johnston of K., Ketcham, Levenworth, Little, Long, Lewis of E., Lomax, M'Kinney, Marshall, Martin, Matlock, Morgan, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Test, Wallace, Wilson and Moore, Sp'r.—34.

And so said amendment was not so amended.

Ordered, That the Clerk inform the Senate thereof.

The House agree to the first amendment to the amendment proposed by the Senate to the amendment made by the House of Representatives to the bill from the Senate, entitled an act authorizing an additional sale of lots in the town Indianapolis and for other purposes.

Ordered, that the clerk inform the Senate thereof.

The engrossed bill from the Senate: entitled an act supplemental to an act entitled an act to re locate the seat of justice of Crawford county, was read the first time. When,

Mr. Levenworth moved to reject the same; which was decided in the negative.

Said bill passed to a second reading to morrow.

Mr. Bullock, from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act regulating the manner of doing county business in certain counties therein named, and also to elect township officers.

An act legalizing the proceedings of the school trustees in congressional township No. 9, in range No. 2 west; also, congressional township No. 12, in range No. 13 east in Franklin county. And,

An act to amend the act entitled an act regulating the practice in suits at law.

An act establishing the eastern boundary of Henry county.

An act for the organization of Delaware county.

An act to amend an act entitled an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per. cent fund for opening the same—approved December 31, 1821. And,

An act providing for the erection of an office for the Clerk of the Supreme Court and for other purposes.

They have also compared the following enrolled with the engrossed bills entitled acts, to wit:

An act to authorize Franklin F. Sawyer to sell and convey certain real estate.

An act authorizing Daniel Fetter and Lewis Shryer to purchase and occupy five acres of land therein named. And,

An act authorizing Arthur Major to build a bridge across Big Flat Rock; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock:

FRIDAY MORNING, JANUARY 26, 1827.

The House met pursuant to adjournment.

Mr. Beckes submitted the following report, to wit:

Mr. Speaker,

Your committee of free conference who were appointed to take into consideration the subject matter of difference between the two Houses, on the bill for the relocation of the seat of justice of Dearborn county, have had the same under consideration, and a majority of the committee agree to report the bill as it is amended, with the following amendments. 1st. The commissioners shall meet at the house of Jesse Hunt in the town of Lawrenceburgh—2nd amendment: The commissioners shall have the right to view every other site equally near the geographical centre with Lawrenceburgh, the centre inclusive, and fix on the site most eligible within said bounds; and if the commissioners cannot select a site more convenient for the county seat, shall be and remain at the town of Lawrenceburgh; the name of Benjamin Ferguson of Clark county, in the place of James Leviston of Union county; which being read, was ordered to lie on the table.

Mr. Lewis of W., from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the following engrossed bills entitled acts, to wit:

An act appointing a board of visitors to the state seminary at Bloomington and for advancing the interests of said institution.

An act to amend an act entitled an act regulating the fees of the several officers and persons therein named—approved January 30th 1824.

An act in aid of the corporation of the president and trustees of the town of Jeffersonville.

An act for the sale of the real estate of Thomas Bullitt, deceased.

An act in addition to an act entitled an act regulating

the fees of the several officers therein named—approved January 30th 1824.

An act concerning state roads.

An act to provide for the surveying of a state road from Indianapolis to Newport, Vermillion county, Indiana.

An act legalizing the proceedings of the board of justices of Franklin county and for other purposes. And,

A joint resolution respecting the revenue; and find the same truly enrolled. When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. McKinney submitted the following report, to wit:

Mr. Speaker,

The select committee to whom was referred certain resolutions and reports of the Auditor of Public Accounts, and the Treasurer of State, have had the same under consideration, and with all the information upon the different subjects, they have been enabled to obtain, beg leave to report—That from the statements of the auditor, in February 1825, he left this place and returned in June following; that in February 1826, he also left this place, and was absent until about the 10th of May. That his return during the first period was prevented by illness, and during the second by the sickness of his child—that during such absence the duties of his office were performed by Mr. Merrill (Treasurer) and Judge Morris. That information has been received from the treasurer, that he never charged or received compensation from the auditor for performing such duties. Your committee report, that the constitution established the offices of auditor of public accounts and treasurer of state, and think, no doubt can be entertained, but that those offices were intended to be distinct checks upon each other, and their duties to be performed by different officers; that public policy and the laws require them to be distinct, and that if not distinct, and each of those officers confined exclusively to the discharge of the duties of his particular office, no other protection against fraud or collusion is presented, except such as results from an incorruptible fidelity. The committee cannot recognize the blending the duties of those offices as legal or admissible. (But in giving this opinion, your committee do not intend to say, that they know that any wrong has been done, or that the state has suffered in the least any injury by what has been done as above, but only that it is a

bad precedent and ought not further to be indulged in.) The committee report that all the counties in the state have not been furnished with tract books or registers and maps, as required by law. The committee refer to the 1st and 2d sections of the act, entitled "An act to amend an act for assessing and collecting the revenue," approved February 12, 1825, as prescribing the duties of the auditor of public accounts in relation to tract books or registers and maps. From the information of the auditor, the committee report to the House, that two original tract books were received from Vincennes, in November 1825, and purport to embrace the land sold in that land district—that one was obtained from the Surveyor General's Office, in December 1825—that one was received from the Jeffersonville land district, in May 1826, the last, which is perfect and such as contemplated by law. That the original tract books from Vincennes were procured by Mr. Merrill, the treasurer of state, at the request of the auditor—that it cost the state \$280—that from examination of the work, it is found not to be such as is required by the law referred to—that it purports to contain 280 townships—that it only contains a list of the land sold without the names of the purchasers—that in about one third of the townships designated in said work, there is not a single entry—that in many not more than two tracts are entered—that it is entirely insufficient. The law expressly requires that the tract books should contain all the lands, both sold and unsold. In copying this work and furnishing copies for seventeen counties, the treasurer of state has received \$17, which added to the cost of the original work, makes \$297, which your committee think has been paid out of the treasury, without producing a correspondent benefit. The tract books obtained from the Surveyor General's office is perfect, and will prove of great advantage, it cost \$456; copies of this have been furnished as far as applicable to twenty counties. Annually, hereafter, the expense will be comparatively small, in furnishing to those counties lists of the land sold in them. The committee cannot forbear expressing their warm approval of the system of tract books, as a means of securing certainty in the collection of the revenue. Its perfection perfectly attainable, places at the disposition of the state for taxation, every acre of land within it that has escaped the restriction imposed by the Congress of the United States, in their ordinance, which Indiana acceded to, in passing from a territorial to a state government, will prevent the effects of ignorance and carelessness of listers of the different counties, and render unnecessary the annual listings of lands now required by law; thereby saving a considerable sum to each of our counties.

The committee have found it impracticable to ascertain conclusively the whole number of acres of land sold in this state, by the General Government, and the proper number subject to taxation the last year. This is only to be known when the system of tract books is perfected.

As an example of the effects of the system in a few counties the committee present the following, as having been returned, to wit:

	1823	1824	1826
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Franklin,	125,144	151,488	-
Harrison,	136,384	53,480	187,010
Dearborn,	130,725	163,285	200,943
Jefferson,	129,083	113,754	142,974
Switzerland,	80,244	114,754	34,000 more than in 1823.
Jennings,	46,560	52,513	47,272
Orange,	76,442	72,871	87,093

Franklin and Switzerland counties had tract books for 1824. That year Franklin returned 26,354 acres more than in 1823; and Switzerland returned 34,510 acres more than in 1823. Harrison not furnished with a tract book, returned less in 1824, than in 1823. Jefferson in same situation, returned 15,329 acres less in 1824 than in 1823, and 29,220 acres more in 1826 than in 1824. Jennings returned more in 1824 than in 1826. Orange 3,571 acres less in 1824 than in 1823, and 14,222 acres more in 1826 than in 1823.

Dearborn had a tract book in 1824; that year she returned 32,557 acres more than in 1823; in 1826, she returned 70,215 acres more than in 1823, without the book. Switzerland had her tract book for 1824, which may account for the additional number of acres returned for taxation in that county.

Your committee have examined with attention the reports of the auditor and treasurer referred to them, and present to the consideration of the House, the following abstracts from said reports:

A.

1827, Jan. 12th—Salary to James B. Ray, as Governor,
from the 12th Feb. 1825, to this day,

1 year and 11 months,	-	\$1,916 66 2-3
House rent for said period,	-	383 33 1-3

2,300 00

Received as per treasurer's report,	-	
abstract B,	-	2,216 43

Balance due the Gov. this day, Jan. 12, 1827. \$83 57

B.

The Auditor states that he has audited to James B. Ray, Governor, as follows:

No. 1. June 20, 1825,	\$ 50 00
2. idem,	250 00
3. Jan. 23, 1826,	352 80
4. idem,	450 00
5. May 3, -	250 00
6. idem, -	100 00
7. July 29, -	250 00
8. Oct. 31, -	250 00
9. Nov. 30, -	100 00
10. Jan. 3, 1827,	250 00

\$ 2,302 80

The Treasurer states he has paid him as follows:

No. 1. Warrant, No. 1637—Dated 20th June, 1826—When paid by Treasurer, 23d June, 1825, \$50. Paid a year before drawn; no such warrant.

No. 2. Warrant, No. 1638—Dated 20th June, 1825—Paid by Treasurer, 22d June, 1825, \$250.

No. 3. Warrant, No. 1819—Dated 23d Jan. 1826—Paid by Treasurer, (no date) \$352 80. Refunded \$36 37—See *

No. 4. Warrant, No. 1820—Same—Paid by Treasurer, (no date) \$250.

No. 5. Warrant, No. 1821—Dated 23d January 1825—Paid by Treasurer, 23d January, 1826, \$200. Endorsement of error of \$50

No. 6. Warrant, No. 1860—Dated 23d January, 1826—No date when paid by Treasurer, \$250.

No. 7. Warrant, No. 1861—Dated 3d May, 1826—No date when paid by Treasurer, \$100.

No. 8. Warrant, No. 1875—Dated 29th July, 1826—Paid by Treasurer, 3d May, 1826, \$250. Paid before drawn

No. 9. Warrant, No. 1889—Dated 30th October, 1826—No date when paid by Treasurer, \$250. Not in Auditor's report—See No. 8.

No. 10. Warrant, No. 1911—Dated 30th November, 1826—Paid by Treasurer, 31st July, 1826, \$100 Paid before drawn.

No. 11. Warrant, No. 1945—Dated 3d January, 1827—Paid by Treasurer, 3d January, 1827, \$200. Was for \$250, but \$50 deducted for former error in House rent.

Making in all the sum of \$2,252 80

*Deduct 4th Jan. 1827, per receipt of No. 3, 36 37

\$2,216 43

C.

By reference to the Treasurer's report, it appears he has advanced to members for the accommodation of different collectors,

Also, to different members,

Also, to Governor,

" Auditor,

" Adjutant General,

\$664 75

85 75

36 37

33 87

25 00

\$ 750 60

"	Judge Blackford,	12 12 $\frac{1}{2}$	
"	" Porter,	175 00	
"	" Ross,	175 00	
"	" Goodlet,	175 00	
"	" Morris,	325 30	
			<hr/>
			958 24 $\frac{1}{2}$

Total advanced, \$1,708 74 $\frac{1}{2}$

Abstract A, presents the amount to which the Governor is entitled, for salary and house rent, from the 12th February, 1825, the period of his commencing Executive duties, to the 12th January, 1827; the last date being two days prior to the reports of the auditor and treasurer.

Abstract B, presents the warrants audited by the auditor, in favor of the Governor, and payments for salary and house rent, made by the treasurer of state to the Governor, since his commencement of executive duties.

Abstract C, presents the amount advanced by the treasurer, as appears from his report, to members of the Legislature, to the Governor, Auditor, Adjutant General, and five Judges.

The committee refer the House to the 7th section of an act, entitled "An act concerning the auditor of public accounts, and the treasurer of state"—Approved December 11, 1816, (in revised code.) The latter branch of said section is as follows: "And it shall not be lawful for the treasurer to pay or receive any money on account of the public, but on warrant or certificate of the auditor, except the auditor's salary."

Your committee believe that those transactions originated in good motives, and that the transactions as far as they are connected with the collectors have generally been beneficial to the state. Yet, your committee believe the precedent is a bad one and ought not to be continued.

Your committee from the examination they have given the subject, believe, that His Excellency the Governor has drawn money from the treasury without a warrant, yet, that he very seldom, if ever, drew more than was actually due to him at the time of the draft; and if he ever did overdraw any, the amount was very small, and that it was always regularly settled; and that the apparent overdrawing on auditors warrants originated in mistake, and was promptly rectified as soon as discovered, and that the state is now indebted to His Excellency, the salary which has accrued since the date of his last audited warrant.

The committee addressed a note to His Excellency the Governor, and received the following answer upon the subjects embraced in the resolutions, which is presented as a part of this report:

EXECUTIVE DEPARTMENT.}

JANUARY 17th, 1827. }

Messrs. M'Kinney, Stevens and Morris, Committee of the H. R.

GENTLEMEN,

The undersigned freely acknowledges the receipt of your note, addressed him on this instant, with the accompanying resolutions of the House of Representatives, requesting him to state the amount he has paid for house rent in the town of Indianapolis, during the time he has executed the office of Governor, and to whom the same has been paid. Whilst I recognize in the Representatives of the people, without hesitation, the right to make *such* inquiries of their public servants, as are essential to an explanation of their *official acts*, I cannot accord to them the inquisitorial prerogative of demanding of any one, not even a public officer, a developement of his *individual and private transactions*.

On this occasion, however, I shall take no exception to this exercise of power. For many years past, during the administration of my worthy predecessors, it has been the custom of every legislature, under circumstances very different from the present, to provide the means for furnishing a comfortable dwelling house and out houses, &c. for the Executive, suitable to his situation, by placing at his sole disposal, without ever requiring him to render an account of the same, the sum of two hundred dollars, each year. This sum for the last six years that I have had the honor of being in the councils of the state, was never understood by me, as intended to apply to the rent of a dwelling exclusively, until now. I shall be much mistaken, if there are not many gentlemen in the present General Assembly, who can bear witness with me, that this appropriation of money has hitherto been understood, as well to remunerate in part for the inevitable waste and destruction of furniture, continually happening in the house of an Executive officer, who, in conformity with an established custom, tenders his hospitality and manifests his respects to the people's representatives, the distinguished stranger, or welcome friend, as to pay the single item of house rent.

I shall not be understood to claim any exemption from censure, from the examples of my predecessors, and the uninvestigated manner of former disbursements of this fund; nor shall I appeal to the great increase of Representatives in the halls of the two Houses, and the consequent increase of business and expense to excuse my course; nor shall I tell you that the Governor of Indiana would grow *poor* with what he receives from the treasury, if he had no other resources to rely upon, to mitigate your report. But I must be permitted to assure

you, that this is the first time the intimation has reached me, that the Governor is to be called to an account, even as to the particular persons to whom any thing has been paid, and how, as to a fund which has been placed to his individual credit and discretion, and treated by all the authorities of the state, as a charge upon the treasury, from the time of the appropriation.

During the year 1825, it seems I only drew from the treasury \$50, for house rent, &c. of the two hundred dollars that were appropriated. At the commencement of the last session, I could find but one tenatable dwelling in this town, without renting a tavern stand at an extravagant price, which dwelling is the one I now occupy. The owner of the house expressed a wish not to leave it, and the only condition upon which I could be permitted to move into it; was on the terms on which it had been rented to Judge Morris before, to board himself and his clerk, during the time I lived in it. This at the usual rate of the best boarding may be estimated at \$200. Allow me here to add, that no consideration other than that of having some place to live in, would have induced me to these terms, so disagreeable to one in my situation, and unpleasant to a private family. I made use of my own funds in 1825, in liquidating a part of the above mentioned accounts and charges, a detail of which can be in no manner interesting to the House, of which you are a committee; and consequently drew from the treasury in 1826, the balance of the whole amount appropriated for the two years, for house rent, &c. making in all for the two years, four hundred dollars. Being destitute of a stable when I came to this place where I reside, I have been compelled to expend considerable sums of money in the purchase of the possessors right of lots fenced, to keep horses in, and for pasturing, &c. Feeling as if I would disgust you with a further detail on this subject, of numerous little expenses to which I was from time to time subject, in consequence of not having a comfortable dwelling house and its necessary outhouses, during the time I have been in office, allow me to say, that the whole sum that has been drawn from the treasury for house rent, &c. by me, has not actually covered my losses and sacrifices, growing out of the absence of such buildings and accommodations, as are contemplated by our constitution for your Executive.

At the last session I requested that suitable temporary buildings might be erected for the Governor, as such were not to be rented here at any price; but it was not directed. Hence, during the last summer, I proceeded to erect suitable buildings at my own private expense, which will now soon be finished—

buildings which I would not rent to any person for \$200. To this edifice I expect in a few weeks to remove, and there to remain whilst in office. I have constructed this building with a view to its usefulness and fitness to the station I occupy.

Finding myself no longer dependent for a place to live and do business in, and ascertaining that some are of the opinion, that the present Governor should not be allowed the usual sum; and that he must expose the *manner* of expenditure of any allowance; and finding that the subject is becoming a fruitful source of legislation, detaining your body at a public expense, I must beg leave to request you to communicate this letter to the House of Representatives, with my desire, that with a view to preserve that harmony between the departments of government, so essential to the general good, that no appropriation whatever be hereafter made for house rent. These two hundred dollars annually, may be felt, if appropriated to objects of charity; but I cannot consent to receive it hereafter, if compelled to shew the manner of its expenditure. The state treasury is welcome to it, though richer than myself, if to be attended with its present difficulties.

Accept, Gentlemen, assurances of my distinguished consideration.

J. BROWN RAY.

Upon the subject of blank commissions, your committee report, that it has been the established custom from the organization of our state government, for the Executive to sign blank military commissions and leave them in the secretary of state's office. It is believed that this custom obtains not only in the sister states, but at the seat of General Government; and that from this custom, of itself, no inconvenience can result. The Secretary of State is elected by joint ballot of both Houses of the General Assembly, is a sworn officer, and holds his office independent of the Executive. He issues military commissions upon the order of the Adjutant General, to whom returns of military elections are by law required to be transmitted, and who forwards to the proper officers, commissions founded on such returns; with this officer there is no discretion. The committee believe that a different rule prevails in relation to civil commissions, and acts, connected with which a discretion is to be exercised, either by the Executive, or the other departments. But one instance of any thing like improper conduct, in relation to blank military commissions, has come to the knowledge of the committee. It is the following: In the latter end of the year 1825, an election for a Major General was ordered in the division, in part composed of the counties of Switzerland and Jefferson. It appears from information de-

rived from the Secretary of State, Mr. Merrill and Adjutant General Dunlap, that Mr. Merrill, who was then acting as Adjutant General for Col. Posey, a very short time prior to the said election of a Major General, took from the Secretary of State's office, a number of military commissions blank, except the seal of state, and the signatures of the Governor and Secretary of State, and filled up a part of them in Switzerland county, and left two in the hands of Gen. Keen, a candidate for the office of Major General, to be filled up by Gen. Keen, in anticipation of an election for company officers, whose votes were desirable at the then ensuing election for a Major General. Your committee is informed that an election was held in Switzerland county for said company officers, who within two days thereafter, were in possession of their commissions, and voted for a Major General. Your committee refer to the 12th section of "An act to regulate the militia of the state of Indiana"—Approved January 20, 1824, in which it is required, that certificates of elections of company officers shall be retained ten days by the Brigadier General, before transmitted to the Adjutant General.

The present Adjutant General was appointed on the 25th August, 1825, during the absence of Mr. Merrill acting Adjutant General, on whose return from Switzerland, he received the books, &c. of the office. The Adjutant General in a communication asked by the committee, states, that in the month of September following his appointment, he received a letter from Gen. Keen, enclosing election returns for the 15th regiment, a part of his brigade, and on the envelope a statement, that commissions for Thos. Cole, capt. and Enos Littlefield, lieut. of the 14th regiment, also forming a part of his brigade, were dated 9th September, 1825. The Adjutant General states, that he never made an order for the issuing of said commissions, nor have any vouchers of the election of said officers been received in his office. Your committee believe these were the blank commissions left in the hands of Gen. Keen by Mr. Merrill. Your committee is informed that an order was filed in the Secretary of State's office, some days after the blank commissions were taken by Mr. Merrill as acting Adjutant General, with names comporting with the number of blanks previously taken by him, which order was anti-dated. Your committee would observe, that Mr. Merrill states, that the blank commissions were taken by consent of the Secretary of State. That this statement is expressly contradicted by the Secretary, who alleges he was absent at the time of their being taken; and that from the fact of an order from Mr. Merrill as acting Adjutant General, being filed in his

office, anti-dated as above mentioned, he would not have discovered the irregularity and illegality of proceedings in this affair, but for complaints of two members, during the last session.

Your committee is satisfied of vigilance being used by the Auditor of Public Accounts, in relation to balances due the state for taxes.

Your committee on the subject of the last resolution, in relation to the absence of the Governor, Secretary of State, and Treasurer, from the seat of government, would observe, that no inconvenience has resulted, or possibly could result from the absence of either of those officers; but in some instances on the contrary, the state has been benefited.

The committee have presented the above facts, and refrained from remarks. The committee request to be discharged from the further investigation of the subject, and propose the following:

Resolved, That all the documents upon which this report is founded be furnished the printer, by the clerk, and be published with this report.

AUDITOR'S OFFICE, JANUARY 17th, 1827,

J. T. McKinney, Esq.

SIR—In answer to your note of the 15th inst. enclosing sundry resolutions adopted by the House of Representatives, appointing a select committee, of which you are chairman, requesting a written report from me embracing information relative to myself and the office over which I have charge, I beg leave to offer the following. It is impossible now for the auditor to state correctly the number of times he has been absent from the seat of government, during more than ten years which he has held the office. While he lived at Corydon, he was seldom absent except on short visits to the Ohio river; at these times, if there was any business necessary to be done, Mr. Jennings usually went into his office and did what was wanting. He never heard of complaints being made by any, respecting these absences. When the seat of government was removed to this place, his family left Corydon and went into Kentucky; the first time he left this place was when the legislature rose in February 1825, and he did not return to the state till May, (the precise time not recollected;) he staid at Jeffersonville a few days, and arrived at this place early in June. Last year he left this place in February to prepare for the removal of his family, and arrived at this place about the 10th May. His first long stay was occasioned by extreme illness, and his return the last time was delayed by the sickness of his child. These are the only times he has been absent from the seat of government since it has been fixed at this place. During these two absences the business of his office has been conducted by Mr. Merrill and Judge Morris. The auditor has carefully examined the proceedings of both, and has never discovered any thing wrong. The most they did was to enter the issue of warrants on the register, and proper vouchers were always placed on file. These warrants are all for plain claims, either salaries due or special appropriations; for which services rendered neither of the aforesaid gentlemen expected or received compensation. When the collectors settle at the treasury, the hurry is so great in calculating the amount of duplicates and delinquent lists, that I have generally for two years past, asked Mr. Merrill, who is a quick and correct calculator, to look over the calculations. It is usual for a joint examination to avoid mistakes

if possible. These proceedings have all been examined, and parties interested, members of the legislature and committees, may at any time be satisfied of their accuracy.

The auditor would beg leave to remark as to the resolution respecting delinquent collectors, the counties &c. that a true and correct statement has been furnished the committee of ways and means, which has been reported by said committee and ordered to be printed, embracing all the necessary information required by your committee. As to the tract books referred to, to be furnished to the different counties in the state, the auditor would remark, that every exertion in his power has been made for the completion of the said books, difficulties have occurred however, which was reported to the previous General Assembly. In conclusion, I would however remark, that most of the counties have been furnished with the aforesaid description of books, and that the counties that are not furnished with said books at this time, will be furnished with the same during the present summer.

I have the honor to be, yours &c.

WILLIAM H. LILLY, *Aud. Pub. Act's.*

AUDITOR'S OFFICE, JANUARY 20, 1827.

SIR—Enclosed you have a Report of the List of Balances, due the State, with a statement of the quantity of 1st, 2d, and 3d rate land as far as is returned from different counties in this state, which are on file in my office.

Yours respectfully,

WM. H. LILLY, *Aud. Pub. Acc'ts.*

Report.

The amount due from the county of Clark for the years 1816 and 1817, judgments have been obtained against the collectors of that county for the said years, but is presumed to be lost; which facts have been reported to former legislatures.

Suits have been ordered against all the delinquent collectors, except as to the county of Dearborn for 1825 and Jefferson county for the same year, and those counties on which the legislature have given further time to collectors of revenue. Judgments have been obtained in most of the aforesaid cases.

Tract Books have been furnished to most of the counties. The following are exceptions, Clark, Floyd, Harrison, Orange, Lawrence, Franklin, Monroe, and some of the counties in the New Purchase in which the lands will not be subject, during the year 1827, to taxation. The whole will be completed during the present summer.

For remainder, see tables following.

List of Balances due the State for the years following, to wit:

COUNTIES.	1816.	1817.	1818.	1820.	1821.	1822.	1823.	1824.	1825.	1826.
Allen,	-	-	-	-	-	-	-	-	-	67 43
Bartholomew,	-	-	-	-	-	-	89 84	1065 06	18 39	77 26
Clark,	\$125 43	1003 23	-	-	-	247 47	19 00	214 59	24 29	825 48
Clay,	-	-	-	-	-	-	-	114 12	-	-
Crawford,	-	-	-	-	-	-	-	733 84	-	-
Dearborn,	-	-	-	-	-	-	284 14	31 84	-	-
Dubois,	-	-	119 53	-	-	-	-	-	-	-
Fayette,	-	-	-	69 01	56 58	-	-	-	-	-
Floyd,	-	-	-	-	95 93	-	-	-	-	-
Henry,	-	-	-	-	-	-	-	-	-	-
Jackson,	-	-	-	33 19	-	-	124 99	187 14	5 03	704 30
Jefferson,	-	-	-	-	-	-	-	-	-	62 84
Madison,	-	-	-	-	-	-	-	-	-	-
Martin,	-	-	-	-	-	-	203 93	234 25	-	-
Monroe,	-	-	-	-	-	-	180 28	156 59	-	-
Orange,	-	-	-	-	-	-	58 55	326 13	-	-
Parke,	-	-	-	-	-	-	-	133 28	-	-
Pike,	-	-	55 78	16 45	-	-	-	43 55	-	62 88
Perry,	-	-	-	-	-	-	241 21	278 99	-	-
Posey,	-	-	-	-	-	-	-	-	11 23	-
Rush,	-	-	-	-	-	-	-	-	183 50	-
Scott,	-	-	-	-	-	-	-	-	92 50	293 05
Shelby,	-	-	-	-	-	-	-	-	314 32	-
Switzerland,	-	-	-	-	-	-	-	-	184 10	-
Vigo,	-	-	-	-	-	-	-	-	675 91	540 06
Wayne,	-	-	129 25	-	-	-	37 37	289 27	22 75	14 39

List of taxable Lands, Rates, &c.

COUNTIES.	1st Rate.	2d Rate.	3d Rate.
Perry,	11,007	10,360	7,602
Franklin,	9,120	74,377	46,142
Owen,	2,367	9,877	18,837
Lawrence,	252	85,378	44,693
Morgan,	6,965	3,568	80
Fayette,*			
Floyd,	3,932	23,229	39,482
Decatur,	296	8,967	503
Daviess,	4,278	40,091	23,037
Harrison,	1,309	45,350	140,351
Clark,	15,778	76,972	91,451
Jefferson,	5,599	74,433	62,942
Dearborn,	9,634	34,039	157,270
Washington,	473	75,711	84,230
Monroe,	980	36,822	15,578
Martin,	1,949	25,927	
Greene,	1,621	20,314	9,554
Clay,*			
Vermillion,	1,120	8,597	1,720
Parke,	14,017	12,207	788
Putnam,	560	800	
Orange,		29,238	57,855
Spencer,	6,133	18,066	18,609
Ripley,		47,622	19,231
Randolph,	480	26,701	19,111
Johnson,	2,518	1,974	74
Jennings,	2,202	37,000	8,070
Jackson,	1,866	45,397	17,249
Pike,	1,870	20,607	2,500
Shelby,	5,731	8,826	639
Posey,	6,242	59,025	31,337
Crawford,	325	9,673	19,496
Bartholomew,	15,109	21,245	1 742
Knox,	7,414	55,998	74,408
Gibson,	20,740	50,690	8,141
Vanderburgh,	3,366	22,643	36,958
Vigo,	36,536	57,690	1,246
Warrick,	3,126	22,716	2,190
Wayne,	7,652	75,521	111,193
Switzerland,	6,396	81,776	18,364
Scott,	572	35,651	25,340
Rush,	558	20,901	560
Sullivan,	1,996	52,354	12,162

*Not distinguished.

AUDITOR'S OFFICE, Jan. 23, 1827.

SIR—In answer to your letter, dated 18th inst. requesting at what time the original copies of the tract books were procured from the several offices, &c. and from what offices procured, the number furnished to different counties, and the name of the counties—I beg leave to make the following statement.

The original copies procured from the Vincennes Land Office were received in November, and the originals from the Surveyor General's office were received in December 1825: that from the Jefferson land district was not received until May 1826, and the originals for the Crawfordsville district have not been received, as yet, from the Surveyor General's Office. All the counties, as I before stated, have been furnished with tract books as far as it has been practicable to copy from the originals in my possession, except as to the counties of Monroe, Lawrence, Orange, Harrison, Floyd and Clark; two of which counties, (Clark and Floyd) it will be impossible to give a correct list of lands embraced in said counties. The counties embraced in the Crawfordsville district will be furnished with lists, as soon as the originals are received, and can be made out.

Very respectfully, yours, &c.

WM. H. LILLY, A. P. A.

Col. J. T. McKINNEY.

The following are extracts from letters addressed to Benjamin I. Blythe, Esq. by Samuel Williams of the Surveyor General's office, Chillicothe. The originals furnished by request. 1st letter dated March 12th, 1825, as follows:

“DEAR SIR—I have received your favor of the 28th ult. on the subject of a register or *tract book*, and map of the public lands in the state of Indiana, and I thank you for the friendly disposition which prompted you to propose the measure to the Auditor of your state. I have written this evening to the Auditor, at Indianapolis, but not knowing his name, I addressed it to the Auditor of State, which I suppose will find him.

I have proposed to make the register and maps for the Auditor, at seventy-five cents or one dollar per township, and have given a description of what I suppose the map and register ought to exhibit. I will be obliged to you if you will say such things to the Auditor on the subject, as may seem just and proper to you. I am persuaded he can procure a more *perfect work* here, than by obtaining them from the several land offices.”

2d letter dated 23d Nov. 1826. “I have to ask the favor of you to enquire of the Auditor of State, whether I shall send the volumes containing the plats and register of sales in the Crafordsville district to Cincinnati, as before. Be pleased also to ask in what way we can obtain payment for the work. The Auditor has not answered my letter accompanying the books of the other district.”

TREASURER'S OFFICE, JAN. 17, 1827.

J. T. McKinney, Esq. Chairman, &c.

The Treasurer in compliance with a request to report the

information in his possession, relative to his being in the habit of absenting himself from the seat of government, by whom the duties of his office have been performed in his absence, and what compensation has been paid for the performance of those duties, begs leave to state in relation to those objects, that since his holding the office of Treasurer, his absences from the seat of government as far as he can recollect, have been as follows:

From Jan. 13, 1823, to the 25th March ensuing, except two weeks in February, during which absence he was preparing for the removal of his family from Vevay to Corydon. In May and at the next succeeding court in Switzerland county, he was absent about ten days at each time. From the 18th to the 28th Dec. of same year on a journey to Harmony, to loan money for the state. In March 1824, absent about ten days on a journey to Cincinnati, to procure paper for the last Revised Code; and some time that spring or summer to Vevay, for 8 or 10 days. In September, absent for 15 days on a journey to Indianapolis, to see about the removal of his family and the property of the state. In November, absent 15 days with the wagons removing his family and the state property. May 1825, absent 20 days on a journey to Jeffersonville, to be present at the reception of Gen. Lafayette. June, absent 13 days on a journey to Vincennes, to contract with Register of Land Office for furnishing maps and tract books for state; this journey was occasioned by a letter from Mr. Baddollet, and the request of the Auditor. In July, absent on a journey to Crawfordsville 3 days. In October, absent about ten days on a journey to Cincinnati, to purchase paper for the state. March 1826, absent about ten days on a journey to Vevay. From 3th May to the 20th July, absent on a visit to his parents whom he had not seen for ten years; on this journey the money loaned of Mr. Rapp was paid to him at his residence, near Pittsburgh, by which there was a saving of interest to the state, to the amount of two hundred and seventeen dollars. In October last he was absent 13 days, during which he was at Cincinnati to purchase paper for the state.

During his first absence, the books, papers and money of the office were left with Mr. Coburn; the little business that was done was transacted by Dr. Lilly. His subsequent absences until May 1825, were at seasons of the year when no business was necessary to be done at the office. The treasury was generally empty, and no deputy within his recollection was employed during those periods. In May and June 1825, the business of the office was transacted by Judge Morris and James M. Ray. There was no money in the treasury during his ab-

sence in the fall, and no person was employed to attend to the office at that time. During the last year Messrs. Blythe and Ray performed the duties of his office when he was absent. No one of them would ever receive any compensation for what they have done. To a part of them however, a similar attention to their concerns has been paid by him during their absence from this place.

The Treasurer did for about six months in the latter part of 1824, attend to the business of the then Secretary of State, Col. New, for which he has never received a cent of compensation. All that he has done for the Auditor has also been gratuitous. The particulars in this respect, if he understands the nature of the resolutions and the request of the committee, ought to appear in the answer of the Auditor. He would however remark, that the business necessary to be done in many public offices during certain periods of the year is so trivial, that the holders of those offices must occasionally become careless. It is not usual for them to relinquish every other pursuit when official calls engage but little of their attention. The consequence is that persons who come to do public business, may occasionally not find the proper officer at home. As the Treasurer has not been often absent, he has felt it not only a duty, but a pleasure to afford all the facilities in his power to others, for accomplishing what was important to them, but only gave momentary trouble to him. He has, therefore, frequently been to the Secretary's office to assist an inexperienced deputy, or to attend to some little concern in the absence of both principal and deputy. He has for similar purposes been into the Adjutant General's office, and conscious of his own motives, he has never when called upon, refused to assist the Auditor. Every thing he has done for the Auditor, may be seen in a hand writing not to be mistaken. It has all been approved and confirmed by him. It has been approved too and confirmed by examining committees, and the whole is annually published to the world. In his own concerns and private affairs, the Treasurer may be guilty of mistakes and errors; but in what he has done for the Auditor, he proudly and confidently declares there is neither mistake or error.

I have the honor to be, &c.

S. MERRILL, *Tr. St.*

JANUARY 18, 1827.

SIR--In reference to your second note requesting information, relative "to the taking from the Secretary of State's office blank commissions," it must be observed that any statements I may make on this subject, cannot be considered as official.

My concerns with that office have always been of a private nature. I attended to Col. New's business gratuitously, but felt myself responsible to him that it should be correctly done; and when attending to Col. Posey's business in the Adjutant General's office, it was to him that I was responsible for doing right. When I first knew any thing of the office, whilst Mr. Hendricks was Governor, it was common for him to sign blank commissions, many of which were afterwards sealed and filled up as occasion required, and the Secretary's name was signed either by him or myself. Both of us several times took these blanks signed and sealed as above from the office, and they were afterwards properly filled up; and once at least some of them were left with the Adjutant General, to fill up as military returns should come in. While acting for Col. Posey, I have in a few instances, with the consent of the Secretary, taken from his office blank commissions, that is, papers signed by the Governor, and signed and sealed with the seal of state by the Secretary, which were afterwards filled up; and returns made. It was done openly, and once I am certain the present Governor knew of the fact; but as I had seen it often done at Corydon, any idea of its impropriety never occurred to me.

One transaction of this kind I will detail particularly:

In September 1825, an election for Major General was ordered in the division comprehending Madison, Vevay, &c. previous to which election, the candidates Gen'ls. Keen and Stapp, the latter certainly, and I think both wrote to me to hurry on commissions as soon as possible. As I was obliged to be absent on a journey to Vevay, about the last of August, at a time when the anxiety to obtain commissions was the greatest, and having no person to trust the business with, I spoke to the Secretary for blanks to take along. I afterwards went to the office and found the blanks prepared with the seal of state affixed, and signed by the Governor and Secretary. They were handed to me by Mr. Ingraham, a deputy of the Secretary. Two of these were filled up by me on the 26th, and one more on the 29th August 1825, on returns handed to me at those dates by Gen. Keen; and two more at his earnest solicitation were left with him for two elections, which he said had been held but had not yet reached him. The Secretary I presume, expected me to fill up the commissions. He ought therefore to hold me responsible for my carelessness in this particular. Had Gen. Keen and myself been friends, I should not have left with him those two blanks; but to refuse him under such circumstances, would, I then thought, have been the same as to say that I did not dare to trust him acting

in a measure within his official duties. I then expected to return by Madison, and unless I obliged Gen. Keen, Gen. Stapp by seeing me last would have the advantage. But when I mounted my horse, he was lame, and I was obliged to take the most direct course home. Gen. Stapp was elected by a large majority. At an early period I informed Gen. Stapp of all that had taken place, and he declared himself perfectly satisfied.

My statement in my last note may not have been sufficiently explicit, respecting the compensation I have received for attending to the duties of the Auditor and Secretary. Any thing I have done for either of them, or for the former Secretary, in the ordinary course of their business, has never been compensated, or expected to be. In the spring of 1825, however, I copied a part of the laws and superintended the printing, for which he allowed me \$25, out of an allowance of \$140, made to him by the Governor for those and other services, out of the contingent fund. My impression at present is, that he paid me \$12 for superintending the printing last spring, for which he also was compensated out of the contingent fund. In the absence of the Auditor, in March and April last, I made out tract books for seventeen counties in the Vincennes district, for which the Governor allowed me \$17 out of the contingent fund.

Your obed't servant,

S. MERRILL.

J. T. M'KINNEY, Esq.

P. S. Not knowing the objects you have in view or the explanations you want, I would suggest the propriety of your having me qualified a witness, should you require further information. Voluntary certificates, as much of this may seem to be, are liable to much misconstruction. Yours, &c.

S. M.

JANUARY 19, 1827.

SIR—In your first note to me, you requested information, relative "to those passages in the resolutions (enclosed) which were applicable to myself and the office of which I have charge." This information was promptly communicated. You then in a second note, direct my attention "to that part of the resolutions which relates to the taking from the Secretary of State's office blank commissions," and ask for information on this subject. Though I could not discover any thing in the resolutions of the nature referred to, I would not on that account decline answering your note. I did not wish the Secretary to suffer by my indiscretion, if it was such, and I there-

fore personally communicated what with me was never an official transaction. I still think that a different course could not have been adopted by me with propriety. I never was Secretary of State, Adjutant General, or sworn deputy of either, nor had I even an appointment under seal from either. It was not my intention to bring charges against the Governor or Secretary, but to admit what I had done, and shew the practice of the office as a justification—this practice existed before the present incumbent was elected. What of myself is true, either as a public or private man, I will admit, but I shall make no other accusations than are necessary for self defence, unless called upon by proper authority.

Your obt. servt. S. MERRILL.

J. T. M'KINNEY, Esq.

ADJUTANT GENERAL'S OFFICE,
INDIANAPOLIS, January 19, 1827. }

To J. T. M'Kinney, Esq.

SIR—In compliance with your request, to furnish you with all the information that is in my possession concerning the taking from the Secretary's office, certain *blank military commissions*, their transmission to Switzerland county, &c.

I was appointed by His Excellency the Governor, to the office of Adjutant General, the 25th August, 1825. At that period, Samuel Merrill, Esq. the previous acting Adjutant General was absent, I believe on a tour to the south part of the state, and did not return home for some time after, the precise time I do not pretend to say; on his arrival home, I received the books, papers, &c. belonging to said office. Some time in the month of September following, I received a communication from General Keen, in which were enclosed election returns for the *15th regiment only*; on the envelope he apprized me, that the commissions for Thomas Cole, captain, and Enos Littlefield, lieutenant, both of the *14th regiment*, were dated the 9th of September, 1825. The names are recorded, but no order was ever made by me for the issuing of said commissions, nor have the vouchers been received for said election, since I have performed the duties of the office.

I have the honor to be, yours respectfully,

LIVINGSTON DUNLAP, Adj't Gen'l.

EXECUTIVE DEPARTMENT,
SECRETARY'S OFFICE Jan. 16, 1827. }

John T. M'Kinney, Esq. Chairman of the Committee, &c.

SIR—The receipt of your communication and the accompanying resolutions, requiring a written report, embracing

such information as may relate to those passages in the resolutions applicable to myself, and the office of which I have charge, is acknowledged, and in obedience to the requisition I hasten to report upon the several matters referred to.

As it respects the quantum of official duty required by law to be performed in this office, I can promise nothing more than an abstract in brief, as that duty is multifarious and miscellaneous in its character. The legitimate duty of the secretary of state in all governments where institutions similar to ours prevail, is undoubtedly to perform the ministerial and clerical part of all executive acts and to keep a record thereof. In this state many duties are attached to the office by special provisions of law, which owing to their miscellaneous character are more burdensome than the regular duties.

Under this view of the subject, it will appear that the duties to be performed in this office naturally divide themselves into two classes—regular and miscellaneous.

Of the discharge of *regular* duty, the following will be found to be a faithful abstract:

In the year 1826 there were issued and recorded nine hundred and a few odd military commissions—about one thousand, and upwards of civil commissions—forty five pardons and remissions—one hundred writs of election—one hundred resignations—and a few demands for fugitives from justice.

In the year 1825 the *regular* duty performed, was about ten per cent less than the above, but the record of civil business for the year 1824 had not been made up by my predecessor, and was by me completed with about two months labor.

From the above abstract it will appear, that during the year ending Dec. 31 1826, there were issued and recorded in this office in the regular course of business, at least 2,250 executive acts. The records of this office fully disclose that in the first years of the state government those executive acts never exceeded three hundred or three hundred and fifty, shewing an increase in the regular branch of business in this office of at least seven hundred per cent.

The miscellaneous duties appertaining to this office scarcely admits of description—they consist of the forwarding of letters, announcing the transmission of our laws to other states—acknowledging by letter the receipt of the laws of other states, and the acts, journals and state papers forwarded by the general government—the control and management of agencies at Cincinnati, or Louisville, to pay expenses accruing upon boxes of books, &c. directed to this office, and to secure and hasten the forwarding thereof.

The answering of letters and enquiries addressed to this office, by citizens of this state, upon subjects, and of a nature important and unimportant, yet of a public nature, and a great many other such small matters, for which no compensation extra of the regular salary has been made. Under the laws providing for the enumeration of the citizens of the state, and for ascertaining the expense of supporting the poor, certain duties have been required of and have been discharged by this office. Upon the subject of miscellaneous duty required of the secretary of state, by the laws providing for the printing, and distribution of the laws and journals of the General Assembly, (and for which extra compensation has been made) I can add nothing to a communication heretofore addressed to the committee of ways and means upon that subject, and to which I beg leave to refer the honorable committee of which you are the chairman.

Another branch of miscellaneous duty required of this office, and for which an extra compensation of fifteen dollars per annum is made, deserves some attention. I allude to the duties of librarian of the state library. This duty requires a constant attendance in this office at all hours during the session of the legislature. The fact is well known, that previous to the passage of the law on the subject of the state library, there was no attendance at this office requisite during the session of the legislature, and that there was no fire place or stove attached thereto.

In making this expose respecting the quantum of regular duty belonging to this office, I wish to be explicitly understood, as only candidly answering the requisition made upon me for information, and not as uttering the accents of complaint, for I am of opinion that it is for the legislature to see when these duties which have anciently belonged to the office transcend the compensation, and that it is my part to hold the office only so long as may seem to me compatible with my own interests—but when extra duties are required of an officer by special legislative enactment without an appropriate increase of compensation, it is admitted by all sound jurists, that he has a right to complain. He accepts of an office knowing the amount of duty then attached to it, and with the means of calculating the probable increase thereof under the then existing laws, but if after his acceptance thereof, and after his course of life, and pecuniary calculations have been moulded accordingly, new, and unlooked for duties are required of him, it is in the nature of a fraud, as if one were to sell a piece of real estate with an incumbrance thereon unknown to the purchaser.

It is impossible for me to state precisely for what periods I have been absent from the seat of government. I can only say that I have generally been absent four or five weeks during the session of the circuit courts in the 5th judicial circuit, and two or three weeks during the progress of the late treaty with the Indians. My object in being absent during the sessions of the courts is to attend the same, that by law practice I may add to my salary a sufficiency to enable me to eat the bread of honesty and independence, and provide for a helpless family. My object in attending at the treaty was the same, but like many other expectants who were there, I was disappointed. During these periods the duties of this office were discharged by a regularly authorized deputy, or by John N. Wick, an apprentice indented to me by Calvin Fletcher Esq. his guardian regularly appointed and qualified according to law. This relation to me in my opinion renders a deputation unnecessary.

By the 7th section of "an act concerning the Secretary of state" that officer is authorized to act by a deputy in all cases of sickness, or necessary absence. In my opinion the occasion of absence at the periods above named were of the first necessity. It was that I might live, "provide for my household," and "owe no man any thing, but love one another."

This being my opinion, the duties of this office will be occasionally performed by deputy during periods of absence, founded upon such necessity as is above alluded to, so long as the salary attached to the office continues to be inadequate to the maintenance and education of a family upon an economical scale, to a moderate support of charitable, moral, and religious institutions, and to an annual betterment of circumstances to an unambitious amount and so long as I continue to fill the office.

The names of the persons employed in this office at the different periods are Andrew Ingraham, Samuel Merrill, James M. Ray and Austin W. Morris, and probably others whose names, and whose services are at this moment not remembered.

In answer to the last enquiry expressed in the resolutions communicated, I have to say, that commissions "both civil and military," have been issued from this office in the absence of the Governor and Secretary of state, in all instances in which the issuing of such commissions is founded upon Executive discretion, but upon the certificate of the proper returning officer. Such commissions the Governor's signature was previously affixed by himself and that of the Sec-

retary of state by his deputy. The Governor has been in the habit of affixing his signature to blank commissions to be filled up during his absence.

His instructions to the Secretary of state in such cases have always been to fill up and forward in his absence commissions founded as above upon the certificate of the proper returning officer, and such instructions appearing to me to be perfectly reasonable, and warranted by the usage of the Executives of all the sovereignties in the United States have been complied with faithfully, and in such a manner as would best justify the confidence reposed in me.

All which is respectfully submitted,

WM. W. WICK.

SECRETARY'S OFFICE. }

JANUARY 16, 1827. }

John T. McKinney, Esq Chairman of the Committee &c.

I have to acknowledge the receipt of your note of this day in which you state, that you have been informed that Mr. Merrill, Treasurer of state, during my absence from my office procured therefrom commissions blank, except the signatures of the Governor and myself, and delivered them to some officers in Switzerland county in such a manner as to enable them against law to vote for Major General, and requesting of me as Secretary of state to explain this transaction which you say is embraced within the investigation required of the committee of which you are chairman.

In answer to this inquiry, I have to say, that some time during the session of the legislature last winter, I was informed by two members of the House of Representatives, (one of whom is now a member of the same body) that certain militia officers in Switzerland or Ripley county, had been commissioned some time during the preceding year, a day or two after their election, and before the expiration of the ten days allowed for contest, and in another day or two, or a very short period thereafter had voted at an election for Major General. This communication was made to me in a friendly manner, and it was stated to me that as the time which elapsed between the election of those officers and the election of the Major General was too short, to admit of the idea that the returns could have been forwarded to this place and the commissions returned, even by a special messenger, it was to be presumed, that there was something irregular and improper in the transaction, and that I owed it to myself to inquire into the matter. I disavowed any knowledge of the affair, and for some days was much at a loss how to proceed,

as Mr. Ingraham the deputy who was in the office at the time was not in town. In a few days he returned and explained the matter by stating that Mr. Merrill, as deputy Adjutant General had called upon him for a small number of blank commissions with the seal and signatures affixed—that he furnished them, and in a few days received an order from Mr. Merrill as Adjutant General for commissions for a number of names comporting with the number of blanks previously called for and taken away by him, which order was ante-dated some days, and that Mr. Merrill at the same time furnished Mr. Ingraham with the proper date to enter of record the issuing of said commissions, so as to comport with the dates which had been inserted in the commissions, which entry was made accordingly. He stated further to me, that I had instructed him in any case of difficulty to refer to the judgment and opinion of Mr. Merrill, from which he had inferred that it was not proper for him to prevent Mr. Merrill from doing as he pleased. In the course of a day or two I ascertained from Mr. Merrill that this statement of Mr. Ingraham was in substance correct, and from Gen. Keen, and Gen. Stapp the persons most deeply interested in the matter, that they were satisfied upon the subject; and I also learned from the gentlemen who had first spoken to me upon the subject, that the matter had been so explained to them as that I was acquitted of censure in their minds, and that they were content that the subject should rest.

This is a hasty statement of the facts made from recollection, and may not be minutely, but is generally correct.

The committee can, I think, obtain more full and satisfactory information from Mr. Merrill and Mr. Craig, a member of the House of Representatives.

I think that I ought not to close this communication without stating, that at the time of this transaction, Mr. Merrill was considered by me as a deputy in my office, authorized to direct Mr. Ingraham in any matter of difficulty.

Thus much he had been requested by me to do as a matter of favor, because he had been previously much conversant with the Secretary's office, and he had undertaken to answer the request in a prompt and friendly manner.

I have the honor to be sir,

Yours and the Committee's ob't. serv't.

WM. W. WICK.

SECRETARY'S OFFICE, JAN. 22, 1827.

John T. McKinney, Esq. Chairman. &c.

SIR—I have to acknowledge the receipt of your note of the present date in which you say “it is stated that Mr. Merrill while acting for the late Adjutant General with the consent of the Secretary of state took from this office military commissions blank except the signatures of the Governor and Secretary of state, with the seal of state affixed, for the purpose of filling the same up as occasion might require” and further in relation to the blanks delivered to Mr. Merrill in my absence by my deputy Mr. Ingraham which was the subject of my last note to you, you say, “it is stated that Mr. Merrill spoke to the Secretary of state for those blanks,” and your note concludes by asking “whether it be true that such a practice has prevailed in this office, and by requesting such explanation as I may see proper to give upon this subject.”

As these allegations are marked in your note as quotations I infer that they are expressed in a written communication made to you as chairman of the committee, and therefore conclude that such communication will bear a different construction from that which you appear to give it. I am prepared to believe that the writer did not allude to me *personally*, but in the first expression probably alluded to the former Secretary of state, and in the latter to my deputy Mr. Ingraham.

I am satisfied that Mr. Merrill will corroborate me in stating that no such application ever was made to me *personally*, altho’ such was the friendly confidence in existence between us that I am not certain that he would not have felt himself justified in so doing, and in fact so soon as the transaction between him and Mr. Ingraham was developed last winter and the parties interested were content, so also was I. A regard to truth however requires that I should explicitly disavow any knowledge of any such proceeding either previous to, or at the time when the same was transacted. The first hint that I ever had of any such transaction was during the session of the legislature last winter as is stated in my last note, and Mr. Craig and Col. Pepper, who first spoke to me on the subject will remember that I was surprised at the information and that I did then, as I now do, positively deny any *personal* knowledge of such a transaction in this office previous to the same being developed in the manner stated in my last note addressed to you.

I have the honor &c.

WM. W. WICK.

On motion of Mr. Lewis of W.,

The committee were discharged from the further consideration of said subject.

The question being put, Shall the resolution at the end of the report of the committee, be adopted by the House?

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Claypool, Clendenin, Craig, Daniel, Elliott, Fitzgerald, Hanna, Hays, Hillis, Hoover, Jackson of D., Jackson of V., Johnson of P., Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lewis of W., M'Kinney, Marshall, Matlock, Morgan, Morris, Piercy, Ray, Read, Roberts, Sargeant, Slaughter, Spann, Stevens, Test, Wallace, Watts, Wilson, Work and Moore, Sp'r.—47.

And those who voted in the negative are,

Messrs. Ferris, Howk, Hurst, Lomax, Restine, Richardson and Sweetser—7.

On motion of Mr. Bassett,

The House took up the report of the committee of free conference on the disagreeing votes of the two houses relative to the bill of this House providing for the re-location of the seat of justice of Dearborn county.

And the question being put, Will the House concur in said report.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Bullock, Fitzgerald, Hanna, Hays, Hillis, Howk, Johnston of K., Ketcham, Lemon, Levenworth, Little, Long, Lewis of F., Lomax, M'Kinney, Morgan, Morris, Piercy, Ray, Read, Slaughter, Spann, Stevens, Sweetser, Test, Wallace, Watts and Moore, Sp'r.—31.

And those who voted in the negative are,

Messrs. Boon, Brown, Claypool, Clendenin, Craig,

Daniel, Ferris, Hoover, Jackson of D., Jackson of V., Johnson of P., Lewis of W., Marshall, Martin, Restine, Roberts, Sargeant, and Wilson—18.

On motion of Mr. Little,

Resolved, That the Clerk of this House be, and he is hereby authorized to contract for, and purchase a large and commodious press with the necessary and suitable compartments, locks and keys, in which the papers and documents of this House shall in future be deposited for safe keeping; provided a sufficient one can be procured for a price not exceeding thirty dollars, and that amount is hereby appropriated and authorized to be drawn out of the contingent fund.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate concur in the first amendment made by this House to the bill of the Senate entitled, an act to amend an act entitled an act to regulate judicial circuits and fixing the times of holding courts—approved January 14, 1826.

They concur in the 2nd amendment with an amendment, and they concur in all the other amendments with an amendment, which is by filling up the blank left by striking out the 4th section, by inserting a new section to read section three.

The House disagree to the amendment proposed by the Senate to the amendment made by this House, to the engrossed bill from the Senate entitled, an act to amend the act regulating judicial circuits and fixing the times of holding courts.

Ordered, that the clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate concur in the report of the conferrees of the two houses on the subject matter of difference between the two houses, growing out of the bill entitled, an act providing for the re-location of the seat of justice in the county of Dearborn.

They have passed a bill of the House of Represen-

tatives entitled an act to provide for contracting with a public printer and for printing and distributing the laws and journals of the present session, without amendment.

The engrossed bill from the Senate, entitled an act to provide for a county seminary in the county of Clark, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have been officially informed that the Governor did on the 25th instant approve and sign the following acts which originated in the Senate, viz:

An act to amend an act entitled, an act providing for the settlement of decedents' estates and for other purposes—approved January 26, 1824.

An act more fully to carry into effect an act to provide for the appointment of a separate commissioner for that part of the state road leading from Mauk's Ferry to Indianapolis, which lies between the towns of Indianapolis and Franklin.

An act concerning the seminary townships of land in Gibson and Monroe counties.

An act supplemental to an act entitled, an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges—approved January 7, 1824. And,

A joint resolution on the subject of school lands in the state of Indiana.

The Senate have passed an engrossed bill of the House of Representatives entitled, an act to vacate a part of Evans's enlargement of the town of Princeton, without amendment.

The engrossed bill from the Senate entitled, an act for the re-location of the seat of justice of the county of Madison, and for the formation of the county of Hancock, was read a second time; when,

Mr. Read moved to postpone the further consideration thereof until the first Monday in December next; which was decided in the negative.

Mr. Lemon moved to amend said bill by striking out the name of 'Hancock,' and insert that of 'Tecumseh;' which was decided in the negative.

The rules of the House was then dispensed with, said bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate entitled, an act supplemental to an act entitled an act to re-locate the seat of justice of Crawford county, was read a second time; when,

Mr. Levenworth moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows. to wit:

Those who voted in the affirmative are,

Messrs. Ally, Bassett, Beckes, Boon, Brown, Bullock, Burnett, Claypool, Hillis, Howk, Jackson of V., Levenworth, Lewis of F., M'Kinney, Matlock, Ray, Restine, Slaughter, Spann, Sweetser and Watts—21.

And those who voted in the negative are,

Messrs. Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Hanna, Hays, Hoover, Hurst, Johnson of P., Johnston of K., Ketcham, Lemon, Little, Lomax, Marshall, Martin, Morgan, Morris, Piercy, Read, Richardson, Roberts, Sargeant, Test, Work and Moore Sp'r.—28.

And so said motion was decided in the negative.

Mr. Levenworth moved to commit said bill to a committee of the whole House this evening; which was decided in the negative.

And then the House adjourned until half past 1 o'clock P. M.

Half past 1 o'clock P. M.

The House met pursuant to adjournment.

Mr. Bullock, from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to amend an act entitled an act regulating the fees of the several officers and persons therein named—approved January 30th 1824.

An act appointing a board of visitors to the state seminary at Bloomington and for advancing the interests of said institution.

An act in aid of the corporation of the president and trustees of the town of Jeffersonville.

An act for the sale of the real estate of Thamas Bulitt, deceased.

An act to provide for the surveying of a state road from Indianapolis to Newport, Vermillion county, Indiana.

An act concerning state roads.

An act legalizing the proceedings of the board of justices of Franklin county and for other purposes.

An act in addition to an act entitled an act regulating the fees of the several officers therein named—approved January 30th 1824. Also,

A joint resolution respecting the revenue.

Mr. Lewis of W., from the joint committee for enrolled bills submitted the following report, to wit :

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the following engrossed bills entitled acts, to wit ;

An act to contract with a public printer and for printing and distributing the laws and journals of the present session.

An act authorizing an additional sale of lots in the town of Indianapolis, and for other purposes.

An act to establish county seminaries in the several counties therein named; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Lewis of W., from the same committee reported further to wit :

Mr. Speaker,

The joint committee for enrolled bills did on this day

present to his Excellency the Governor for his approval and signature the following enrolled bills entitled acts, to wit :

An act to authorize Franklin F. Sawyer to sell and convey certain real estate.

An act authorizing Daniel Fetter and Lewis Shryer to purchase and occupy five acres of land therein named. And,

An act authorizing Arthur Major to build a bridge across Big Flat Rock.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate insist on the 13th and 14th items of amendments made by them to the engrossed bill of the House of Representatives entitled, an act making specific appropriations for the year 1827.

They recede from the amendment by them proposed to said bill by adding a third section thereto.

Mr. Sweetser moved that the House recede from their disagreement to the 13th and 14th items of amendment made by the Senate to the above named bill; which was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate, entitled an act supplemental to an act to re-locate the seat of justice of Crawford county, was taken up, amended by consent, and ordered to a third reading to-day.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate concur in the amendments of the House of Representatives to the bill of the Senate entitled, an act to legalize the proceedings of the executors of William Ballard, deceased.

They insist on the 2nd amendment made by them to the amendment made by this House to the engrossed bill entitled an act to amend the act entitled, an act to regulate judicial circuits and fixing the times of holding courts, and have appointed Messrs. Gregory and Morgan a committee of free conference to take into consider-

ation the disagreeing votes of the two houses on said amendments, request that a similar committee may be appointed on the part of the House of Representatives.

They have passed a joint resolution of this House respecting Blackford's Reports, with amendments, in which the concurrence of the House of Representatives is requested.

On motion of Mr. Sweetser,

Resolved, That a committee of free conference be appointed on the part of this House, to act with a similar committee appointed on the part of the Senate; to take into consideration the disagreeing votes of the two Houses on the engrossed bill from the Senate entitled, an act to amend the act regulating the judicial circuits and fixing the times of holding courts. When,

The Speaker appointed Messrs. Sweetser and Test that committee.

Ordered, That the Clerk inform the Senate thereof.

The House agree to the amendments proposed by the Senate to the engrossed joint resolution of this House, respecting Blackford's Reports.

Ordered, That the Clerk inform the Senate thereof.

Mr. Ray moved to postpone the several orders of the day for the present, which precede the bill to authorize the sale of a site for a steam mill at Indianapolis; which was carried in the affirmative.

On motion of Mr. Ray,

The committee of the whole House to which was committed said bill was discharged from the further consideration thereof.

Said bill was then considered as engrossed, read a third time and passed.

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Johnston of K.,

The committee of the whole House to which was committed the bill to authorize the board of justices in certain counties therein named to remove obstructions in water courses, was discharged from the further consideration thereof.

Mr. Johnson of P., moved to lay said bill on the table; which was decided in the negative.

Said bill was then considered as engrossed, read a third time and passed.

The title was amended so as to read "A bill to provide for the removal of obstructions in certain water courses."

Ordered, That the same be entitled an Act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Ferris,

The committee of the whole House to which was committed the bill for the relief of Asahel Dunning, was discharged from the further consideration thereof.

Mr. Johnston of K. moved to postpone the further consideration of said bill until the first Monday in December next; which was decided in the negative.

Mr. Stevens moved to amend said bill by adding the following proviso at the end thereof, to wit:

Provided however, that said agent shall take into his consideration the rent and use of the house had and enjoyed by said Dunning since the building thereof until the end of his lease; and also take into consideration the use of wood and the brickyard of the state, used by said Dunning—Which was carried in the affirmative.

Mr. Morris moved further to amend said bill, by adding the following as a second proviso thereto, to wit:

Provided however, that said Agent shall also take into consideration such other useful improvements as may have been made by said Dunning. Which was decided in the negative.

Ordered, that said bill be engrossed and read a third time to day.

A message from the Senate by Mr. Farnham, their assistant secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives, entitled Acts, as follows:

An act for the relief of John M. Wilson, late sheriff and collector of Fayette county and for other purposes, with amendments.

An act to establish a county seminary in the county of Fayette, without amendment. And,

An act to encourage the killing of wolves, with amendments.

An act to amend the act entitled an act regulating the mode of doing county business.

They have passed an original engrossed bill, entitled an act to locate a state road from New-Castle in the county of Henry to the town of Lafayette in the county of Tippecanoe; in which amendments to the above named bills and original bill, the concurrence of the House of Representatives is requested.

The House agree to the amendments proposed by the Senate to the bill of this House, for the relief of John M. Wilson.

Ordered, that the clerk inform the Senate thereof.

The engrossed bill from the Senate, entitled an act to locate a state road from New-Castle in Henry county to the town of Lafayette in the county of Tippecanoe; was read the first time—When,

Mr. Claypool moved to reject the same; which was carried in the affirmative

The House agree to the 1st, 2d, 3d, 4th and 6th amendments, proposed by the Senate to the engrossed bill of this House, entitled an Act to encourage the killing of wolves.

And the question being put, Will the House agree to the 5th amendment proposed by the Senate to said bill? Which reads in the words following, to wit:

Such certificate when so made out, the collector of the revenue for said county shall receive from the holder thereof, in whole or in part, for his or her state tax; and such certificates, when so received by said collector or collectors of the state revenue, the treasurer of state is hereby authorized to receive from such collector, in payment for the revenue due the state from such county, wherein such order has been regularly issued: *Provided* that the inhabitants of no one county shall be allowed a greater sum for wolf scalps than the amount of revenue collected from the same county in any one year. *Provided however*, that no such certificate shall be re-

received in payment of either state or county taxes after one year from the taking effect of this act. Any certificate that may be presented either to the state or county treasurer after the expiration of one year, though it may have been issued by the clerk of the circuit court, as is provided in this act within the limited time, yet if it be not presented within the above time it shall not be received in either the state or county treasury.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Daniel Hanna, Hays, Hillis, Jackson of V., Johnston of K., Ketcham, Little, Long, Morgan, Morris, Piercy, Roberts, Sargeant, Stevens, Sweetser, Wilson and Moore, Sp'r.—21.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Burnett, Claypool, Clendenin, Elliott, Ferris, Fitzgerald, Hoover, Howk, Jackson of D., Lemon, Levenworth, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin, Matlock, Ray, Read, Restine, Richardson, Slaughter, Wallace, Watts and Work—28.

And so said amendment was disagreed to by the House.

Ordered, That the Clerk inform the Senate thereof.

And the question being put, Will the House agree to the 7th amendment proposed by the Senate to said bill, which reads in the words following to wit:

The board of justices or persons doing county business in any of the counties of this state, shall allow to the holder of any such certificate an additional allowance, not exceeding one dollar for a grown wolf, and fifty cents for each one under six months old, to be paid out of the county treasury, out of any monies therein not otherwise appropriated.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Daniel, Ferris, Fitzgerald, Hanna, Hillis, Hoover, Johnson of P., Ketcham, Lemon, Long, Lewis of W., Lomax, Martin, Matlock,

Morgan, Piercy, Read, Restine, Richardson, Sargeant, Slaughter, Wilson, Work and Moore, Sp'r.—26.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Brown, Burnett, Claypool, Clendenin, Elliott, Hays, Howk, Jackson of D., Jackson of V., Johnston of K., Levenworth, Little, Lewis of F., M'Kinney, Morris, Ray, Roberts, Stevens, Sweetser, Test, Wallace and Watts—24.

And so said amendment was agreed to by the House.

Ordered, That the Clerk inform the Senate thereof.

A message from the Governor, by W. W. Wick :

Mr. Speaker,

I am directed by the Governor to announce to the House of Representatives, that on this day (January 26, the acts which originated in the House of Representatives, entitled as follows, to wit:

An act for the organization of Delaware county.

An act regulating the manner of doing county business in certain counties therein named, and also to elect township officers.

An act to amend the act, entitled An act regulating the practice in suits at law.

An act legalizing the proceedings of the school trustees in congressional township, No. 9, in range No. 2 west, also congressional township No. 12, in range No. 13 east, in Franklin county. And,

An act to authorize Franklin F. Sawyer to sell and convey certain real estate, have severally received his approbation and signature.

The engrossed bill for the relief of Asahel Dunning, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

MESSRS. Ally, Bassett, Beckes, Brown, Clendenin, Elliott, Ferris, Fitzgerald, Hanna, Hayes, Hillis, Hoover, Howk, Jackson of D., Jackson of V., Ketcham, Lemon, Long, Lewis of F., Lomax, M'Kinney, Morgan, Morris, Ray, Restine, Richardson,

Roberts, Slaughter, Sweetser, Test, Wallace and Moore Sp'r.—32.

And those who voted in the negative are,

MESSRS. Boon, Burnett, Claypool, Johnston of P., Johnston of K., Little, Lewis of W., Piercy, Read, Sargeant, Stevens, Watts, Wilson and Work—14.

And so said bill passed.

Ordered, That the same be entitled An act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

A message from the Senate by Mr. Farnham their Assistant Secretary:

Mr. Speaker,

The Senate concur in the amendment proposed by the House of Representatives to the engrossed bill from the Senate, entitled An act supplemental to an act, entitled An act to relocate the seat of justice of Crawford county.

They have passed an engrossed bill of the House of Representatives, entitled An act to authorize the sale of a site for a steam mill, at Indianapolis, without amendment.

The Senate adhere to their disagreement to the first and fourth amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled An act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois.

Mr. Stevens moved that the House adhere to their first amendment proposed by them to the engrossed bill from the Senate, entitled An act to provide for the improvement of that part of the river Wabash which is under the joint jurisdiction of Indiana and Illinois.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Ally, Bassett, Beckes, Boon, Brown, Burnett, Claypool, Clendenin, Elliott, Ferris, Hillis, Hoover, Howk, Jackson of D., Johnson of P., Lemon, Levenworth, Little, Long, Lewis of F., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Pier-

cy, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Watts, Wilson, Work and Moore Sp'r.—37.

And those who voted in the negative are,

MESSRS. Daniel, Fitzgerald, Hanna, Hayes, Jackson of V., Johnston of K., Ketcham, M'Kinney, Ray, Read, Restine, Richardson and Roberts—13.

And so said motion was decided in the affirmative.

Mr. Beckes then moved to reconsider the vote just given on adhering to said amendment; which was carried in the affirmative.

The question recurring on the motion to adhere to said amendments, and the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Ally. Brown, Burnett, Claypool, Clendenin, Craig, Elliott, Ferris, Hillis, Hoover, Howk, Jackson of D., Lemon, Levenworth, Little, Lewis of F., Lewis of W., Lomax, Marshall, Martin, Matlock, Morgan, Morris, Piercy, Sargeant, Slaughter, Spann, Stevens, Wallace, Watts, Wilson, Work and Moore Sp'r.—33.

And those who voted in the negative are,

MESSRS. Bassett, Beckes, Boone, Daniel, Fitzgerald, Hanna, Hayes, Jackson of V., Johnston of K., Ketcham, M'Kinney, Ray, Read, Restine, Richardson, Sweetser and Test—17.

And so the House adhered to their said amendment.

Ordered, That the Clerk inform the Senate thereof.

Mr. Beckes asked and obtained leave to have his name recorded in the negative, on the first vote given to adhere to the first amendment proposed by this House to the bill to provide for the improvement of that part of the river Wabash, which is under the joint jurisdiction of Indiana and Illinois.

On motion of Mr. Matlock,

The committee of the whole House to which was committed the engrossed bill from the Senate, entitled. An act to amend the act to provide for the partition of real estate, was discharged from the further consideration thereof. And,

On motion by Mr. Stevens,
The same was ordered to lie on the table.

On motion of Mr. Hoover,
The committee of the whole House to which was committed the bill, to amend the act, entitled An act for the appointment of constables, and defining their powers and duties, approved January 22, 1824, was discharged from the further consideration thereof. And,

On motion of Mr. Morgan,
The same was ordered to lie on the table.

On motion of Mr. Lemon,
The committee of the whole House to which was committed the bill amendatory to the act, entitled an act to regulate judicial circuits, and fixing the times of holding courts, was discharged from the further consideration thereof. And,

On motion of Mr. Lemon,
The same was ordered to lie on the table.

On motion of Mr. Read,
The committee of the whole House to which was committed the bill to locate and open a state road from Indianapolis to Lafayette, in Tippecanoe county was discharged from the further consideration thereof.

Said bill was then ordered to lie on the table.

On motion of Mr. Morgan,
The committee of the whole House to which was committed the bill for the relief of Thomas Wyatt, was discharged from the further consideration thereof. And,

On motion of Mr. Morgan,
The same was ordered to lie on the table.

On motion of Mr. Stevens,
The committee of the whole House to which was committed the joint resolution relative to the state library, was discharged from the further consideration thereof.

Said joint resolution was then considered as engrossed and read a third time.

And the question being put, Shall said joint resolution be adopted by the House? And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Ally, Bassett, Brown, Claypool, Clendenin, Craig, Daniel, Elliott, Ferris, Fitzgerald, Hayes, Hillis, Hoover, Howk, Jackson of D., Jackson of V., Ketcham, Lemon, Levenworth, Little, Lewis of F., Lomax, M'Kinney, Marshall, Martin, Piercy, Ray, Read, Restine, Roberts, Sargeant, Slaughter, Spann, Stevens, Sweetser, Wallace, Watts, Wilson, Work and Moore Sp'r.—40.

And those who voted in the negative are,

MESSERS. Beckes, Bullock, Burnett, Johnson of P., Johnston of K., Mallock, Morgan and Test—8.

And so said joint resolution was adopted by the House.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence therein.

A message from the Governor by W. W. Wick:

Mr. Speaker,

I am directed by the Governor to announce to the House of Representatives, that on the 25th inst. the acts which originated in this House, of the following titles, to wit:

An act to extend a certain law therein named.

An act for the relief of the securities of Abraham Elliott, late sheriff of Wayne county.

An act making general appropriations for the year 1827.

An act for raising the salary of the agent of the state for the town of Indianapolis. And,

An act to establish a road from the town of Crawfordsville in Montgomery county, to the town of Covington in Fountain county, severally received his approbation and signature.

On motion of Mr. Bassett,

The committee of the whole House to which was committed the engrossed bill from the Senate, entitled An act relative to crime and punishment, approved January 20, 1824, was discharged from the further consideration thereof. And,

On motion of Mr. Bassett,

The same was ordered to lie on the table.

On motion of Mr. Spann,

The committee of the whole House to which was committed the engrossed bill from the Senate, entitled An act to authorize Polly Branham, administratrix of Lindfield Branham, deceased, to sell and convey certain real estate therein named, was discharged from the further consideration thereof.

Said bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Beckes,

The committee of the whole House to which was committed the bill to amend the act to regulate the militia of the state of Indiana, approved January 20, 1824, was discharged from the further consideration thereof.

Mr. Wilson then moved to lay said bill on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSERS. Bassett, Bullock, Burnett, Craig, Daniel, Hillis, Howk, Jackson of V., Johnston of P., Ketcham, Lemon, Lev-

edworth, Marshall, Piercy, Roberts, Slaughter, Spann, Stevens, Wilson, Work and Moore Sp'r.—21.

And those who voted in the negative are,

MESSRS. Ally, Beckes, Boon, Brown, Claypool, Clendenin, Elliott, Fitzgerald, Hanna, Hayes, Hoover, Jackson of D., Johnston of K., Little, Lewis of F., Lewis of W., Lomax, M'Kinney, Martin, Matlock, Morgan, Morris, Ray, Read, Restine, Richardson, Sargeant, Sweetser, Wallace and Watts—30.

And so said motion was decided in the negative.

Mr. Lewis of W., moved to amend said bill by adding the following as a section thereto, to wit:

Sec. If the regimental court of appeals shall deem it expedient to appoint any number of civil officers, to collect such fines and equivalents as may not be remitted by such court of appeals within said regiment, they are hereby empowered to do the same; which collector shall previously to receiving the list of fines and equivalents which may not have been remitted by such court of appeals, enter into a bond with security to be approved of by the paymaster of such regiment, payable to the Governor and his successors in office; a copy of which bond shall by such paymaster within ten days after the execution thereof, be filed in the Clerk's office of the county wherein the greater part of such regiment may reside, and also a copy to the Judge Advocate of such regiment; and upon such collector's executing his bond as herein required, shall be entitled to receive the list of delinquents and conscientious persons and to proceed to the collection of the fines and equivalents therein specified, in the same manner that sheriffs are allowed to collect the same, and be subject to the same laws in all respects that are now in force relative to the collection thereof, by the sheriff of the county wherein such regiment is situate, and subject to be proceeded against for a failure to pay over the same, in the same manner that sheriffs now are proceeded against: *Provided however*, That such board of officers is hereby authorized to allow the sheriff or other civil officer who may undertake the collection thereof, any reasonable per centum for the collection of the same, not exceeding twenty-five per centum.

Which was decided in the negative.

Mr. Ray moved further to amend said bill by adding the following as a section thereto, to wit:

"That so much of the act to which this is an amendment as makes it the duty of sergeants and corporals to attend regimental drill musters, be and they are hereby repealed."

Which was carried in the affirmative.

Mr. Brown moved further to amend said bill by adding the following as a section thereto, to wit:

That all allowances for services heretofore rendered, or which may be hereafter rendered, and which may be ordered to be paid out of the funds of any regiment, shall be entitled to a preference as to payment, according to the order of time of such allowance having been made, excepting such allowances as may be made for the collection thereof; and upon the receipt of money in the hands of any paymaster or person authorized to receive and pay out the same, it shall be the duty of such paymaster or person authorized as aforesaid, on having notice of any claim against his regiment to register the same in the order in which they are presented in a book to be kept for that purpose, having due regard to the date thereof, and to set apart and apply the funds of said regiment as herein directed.

Which was decided in the negative.

Said bill was then read a third time, and the question being put, Shall said bill pass? And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Beckes, Boon, Brown, Claypool, Clendenin, Elliott, Ferris, Hanna, Hayes, Hoover, Hurst, Jackson of D., Jackson of V., Johnston of K., Levenworth, Little, Long, Lewis, of F., Lewis of W., Lomax, M'Kinney, Martin, Matlock, Morgan, Morris, Ray, Restine, Richardson, Sargeant, Slaughter, Stevens, Sweetser, Test, Wallace, Watts and Work—37.

And those who voted in the negative are,

Messrs. Bassett, Bullock, Burnett, Craig, Daniel, Hillis, Johnson of P., Ketcham, Lemon, Marshall, Piercy, Read, Roberts, Spann, Wilson and Moore, Sp'r.—16.

And so said bill passed.

Ordered. That the same be entitled An Act, and that the clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Lewis of W., from the joint committee for enrolled bills, reported as follows, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act to vacate a part of Evans's enlargement of the town of Princeton.

An act providing for the re-location of the seat of justice in the county of Dearborn.

An act for the relocation of the seat of justice of the coun-

ty of Madison, and for the formation of the county of Hancock

An act to provide for incorporating a county seminary in the county of Clark.

And find the same truly enrolled: When the speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their president.

And then the House adjourned until this evening half past six o'clock.

Half past 6 o'clock, P. M.

The house met pursuant to adjournment.

A message from the Senate, by Mr. Farnham, their assistant secretary:

Mr. Speaker,

The Senate have passed engrossed bills of the House of Representatives, entitled Acts as follows:

An act for the relief of William W. Wick, without amendment. And,

An act authorizing the removal of obstructions in water courses in certain counties therein named, with amendments; in which the concurrence of this House is requested.

The amendments to the last named bill was agreed to by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Sweetser made the following report:

Mr. Speaker,

Your committee of free conference appointed to settle the subject matter of difference between the two Houses, on the bill to amend an act, entitled an act, to regulate judicial circuits, and fixing the times of holding the courts, have agreed to report the same with an amendment, by inserting the following in lieu of the 4th section of said bill.

Which was concurred in by the House.

The Speaker laid before the House the following communication from Samuel Merrill, Esq. treasurer of state, which was ordered to be entered on the journals, to wit:

H. H. Moore, Speaker, &c. will please communicate the following to the House of Representatives:

The Treasurer of State has seen with much surprise, a report made to the House of Representatives by a select committee, to whom was referred certain resolutions and reports of the Auditor of Public Accounts, and the Treasurer of State, and believing that there are errors in said report calculated to censure him, unless explained, begs leave to submit the following hasty remarks, as to certain passages in said report.

It is intimated in said report in an unqualified manner, that the Treasurer has, in the absence of the Auditor, transacted the duties of his office. If, to walk into the Auditor's office, to examine accounts for some enquirer, when the Auditor was not to be found, and make out memoranda for present use, all of which were always examined and approved by the Auditor, be a *performance of his duties*, then the Treasurer may be guilty of the charge. But if no more has been done than to oblige some person, who could not conveniently wait for the Auditor's return, and all that was done, has been assumed by the Auditor, then the Treasurer cannot conceive himself guilty in the manner alleged. It is next in substance stated, "that the original tract books were procured by the Treasurer from Vincennes; that they cost the state \$280; that they only contain a list of the lands sold, without the names of the purchasers; that in about one third of the townships designated in said work, there is not a single entry; that in many others, not more than two tracts are entered; and that it is entirely insufficient."

As to the above statements, the Treasurer would remark, that the law referred to does not require the names of the purchasers of land to be designated in the tract books, and the Treasurer presumed, that when all the lands sold were marked, the balance would be supposed to be unsold. If the committee had thought proper to examine the maps furnished from the Vincennes Land Office, they would have seen the reason why so few entries were made in many townships. Much of the land in Knox, Daviess, and the adjoining counties is not held by entry from the land offices, but by location. military warrants, &c. all of which appears on the maps. The maps therefore, Mr. Baddolet and the Treasurer supposed, would supply the deficiencies of the registers. They are large, very troublesome to make and copy from, and constituted a considerable part of the trouble for which the \$17 was charged. By examining the tract books referred to, it will be found that every thing important is there entered. The date of entry, the quantity of land, its description, and the amount of money paid, which important item, if the Treasurer is correctly informed, is not to be found in the "perfect tract books," as they are called, which were furnished at the Surveyor General's office. Another error important for the Treasurer to correct, is the abstract the committee have thought proper to make from a private statement, unconnected with the Treasury, furnished the House in addition to an answer which he gave as Treasurer to certain resolutions of the House. This the committee call the "Treasurer's report," notwithstanding it

was expressly communicated as a private and unofficial transaction. In this abstract there are several important errors: The committee state, that the money "advanced to members for the accommodation of collectors, amounts to \$664 75. By a reference to these accounts, and by a calculation of the services rendered, it will be seen that in every case the person had performed service exceeding the amount paid, at the time the statement was called for. The state could not lose, because the service was rendered; and Mr. Merrill, in his private capacity, could not lose, because the sum paid would always be a legal and equitable offset in his favor; and he trusts that he here with propriety may state, that his voluntary and gratuitous exertions have effected perhaps thirty settlements with collectors, which could not otherwise have been made, and saved perhaps that number of applications to the legislature for relief. Too many members of the House are acquainted with the necessity of doing something of this kind occasionally, to require further remarks on this subject. With respect to the amount stated by the committee as advanced to state officers, they could not in making the calculation, be governed by their own rule in reference to Mr. Merrill. They calculate the Governor's salary up to the middle of a quarter to excuse him; but the Treasurer is not to be credited with any thing he in his private capacity may advance before the end of the quarter. But to place all on an equal footing, and calculate the amount now due, the \$1,708 74½ will dwindle to about \$300. The balance stands against no one but the Adjutant General, and Messrs. Ross and Morris. The sum of \$300, and even more, *poor as Mr. Merrill may be*, he stands ready to account for.

The justice and correctness of other calculations, it is not for the Treasurer to examine at present. To the part Mr. Merrill took in reference to the commissions, he has but little to add to the statement made out for the committee, which contains the simple truth, and was impressed strongly on his mind by his regret that the circumstance ever occurred. He can however, in addition say, that no person was ever commissioned that was not legally elected; and if the decision of the supreme court of the United States, in the case of *Marbury vs Madison* be correct, the commissions referred to were not necessary to constitute the persons elected, officers. It is the election or appointment that makes an officer, and such a person might undoubtedly vote without a commission.

I have the honor to be, &c.

SAMUEL MERRILL, *Tr.*

A message from the Senate by Mr. Farnham, their assistant secretary:

Mr. Speaker,

The Senate have been officially informed that the Governor has, on this day, approved and signed the following Acts, which originated in the Senate, viz.

An act to amend an act, entitled an act, authorizing the laying off certain state roads in this state and appropriating one hundred thousand dollars of the fund commonly called the three per. cent fund for opening the same—approved December 31, 1821.

An act providing for the erection of an office for the clerk of the supreme court and for other purposes.

An act establishing the eastern boundary of Henry county.

An act authorizing Arthur Major to build a bridge across Big Flat Rock. And.

An act authorizing Daniel Fetter and Lewis Shryer to purchase and occupy five acres of land therein named.

The Senate insist on the 5th amendment made by them to the bill of this House entitled, an act to encourage the killing of wolves.

Mr. Hurst moved that this House adhere to their disagreement to the 5th amendment proposed by the Senate, to the engrossed bill of this House, entitled, an act to encourage the killing of wolves.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beckes, Brown, Burnett, Claypool, Clendenin, Elliott, Ferris, Hoover, Hawk, Hurst, Jackson of V., Lemon, Levenworth, Little, Lewis of F., Lomax, M'Kinney, Martin, Ray, Roberts, Sargeant, Spann, Stevens, Wallace, Watts and Work—26.

And those who voted in the negative are,

Messrs. Ally, Bassett, Boon, Bullock, Fitzgerald, Hanna, Hays, Hillis, Jackson of D., Johnson of P., Ketcham, Long, Marshall, Matlock, Morgan, Morris, Piercy, Read, Restine, Richardson, Sweetser, Test, Wilson and Moore, Sp'r.—24.

And so the House adhere to their disagreement to said bill.
Ordered, That the Clerk inform the Senate thereof.

On motion of Mr Richardson,

Resolved, That a committee be appointed on the part of the House of Representatives to act with a similar committee to

be appointed on the part of the Senate, to wait on his Excellency the Governor and inform him that both Houses of the General Assembly have gone through their legislative business, and will adjourn to-morrow sine die, provided he has no further communications to make to them; and that the Senate be informed of this resolution and a similar one on their part requested. When,

The Speaker appointed Messrs Richardson and Hillis a committee in pursuance of said resolution

Mr. Stevens moved to take up the engrossed bill from the Senate entitled, an act to amend an act entitled, an act to provide for the partition of real estate; which was carried in the affirmative.

Said bill was then amended by consent by striking out the third section thereof; the same was read a third time and passed.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence in said amendment.

Mr Sweetser presented the following resolution, to wit:

Resolved, That the thanks of this House be given to Harbin H. Moore, Esq. for the impartial, dignified and correct manner, in which he has discharged his duties as presiding officer of this House during the present session; which being read, was unanimously concurred in by the House.

On motion of Mr. Hurst,

Resolved, That in the opinion of this House Samuel Merrill Treasurer of State, and William H. Lilly Auditor of public accounts, have discharged their duty as Treasurer and Auditor of this state, in a manner that confers honor upon themselves and to the best interests of the state.

Mr. Bullock from the joint committee for enrolled bills reported as follows:

Mr. Speaker,

The joint committee for enrolled bills did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to establish county seminaries in the several counties therein named.

An act authorizing an additional sale of lots in the town of Indianapolis and for other purposes.

An act to provide for contracting with a public printer and for printing and distributing the laws and journals of the present General Assembly.

Mr. Lewis of W., from the joint committee for enrolled bills, reported as follows, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the following engrossed bills, entitled acts, to wit:

An act supplemental to an act entitled an act to relocate the seat of justice of Crawford county.

An act making specific appropriations for the year 1827.

An act to authorise the executors of William Ballard deceased to convey certain lands therein named.

An act to authorize the sale of a site for a steam mill at Indianapolis.

An act for the relief of John M. Wilson, late sheriff and collector of Fayette county and for other purposes.

An act to amend the act, entitled, an act regulating the mode of doing county business.

A joint resolution respecting Blackford's Reports.

And find the same truly enrolled.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

The Senate have passed a joint resolution of the H. of R. relative to the state library with amendments—they concur in the report of the committee of free conference on the disagreeing votes of the two Houses relative to the amendments made by the Senate to the amendments of the House of Representatives to the engrossed bill of the Senate entitled an act to amend the act, entitled, an act to regulate judicial Circuits and fixing the times of holding courts, approved January 14, 1824.

The House agree to the amendments proposed by the Senate to the engrossed joint resolution of this House relative to Blackford's Reports.

Ordered, that the clerk inform the Senate thereof.

Mr. Test presented the following resolution for the consideration of the House, to wit:

Resolved, That Morris Morris and Stephen C. Stevens, two of the committee appointed by this House with John T. McKinney, to enquire into the conduct of

the Treasurer and Auditor of State, be requested to state to this House in writing whether they themselves investigated the conduct of those officers, or whether the whole matter as reported this morning was left to John T. M'Kinney alone, and whether all the documents upon which that report was founded have been given in order for publication, as was required by the resolution adopted this morning.

Mr. Long moved to lay said resolution on the table, and the ayes and noes being required by two members the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Ally, Boon, Brown, Burnett, Claypool, Ferris, Hanna, Hays, Hillis, Jackson of D., Jackson of V., Ketcham, Lemon, Long, Lewis of F., Lewis of W., M'Kinney, Morgan, Ray, Read, Roberts, Spann, Watts, and Work—24.

And those who voted in the negative are,

Messrs. Bassett, Beckes, Bullock, Clendenin, Hawk, Hurst, Johnson of P., Little, Martin, Matlock, Piercy, Restine, Richardson, Sargeant, Stevens, Test, Wallace, and Moore Sp'r.—18.

And so said motion was carried in the affirmative.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have passed an engrossed bill of the H. of Representatives entitled an act for the relief of Asael Dunning, without amendment.

A message from the Governor by John N. Wick.

Mr. Speaker,

I am requested by the Governor to inform this House that he did on this day approve and sign, an act to provide for contracting with a public printer, and for printing and distributing the laws and journals of the present General Assembly, which originated in this House.

A message from the Senate by Mr. Farnham, their Assistant Secretary :

Mr. Speaker,

The Senate have been officially informed that the Governor did on this day approve and sign the follow-

ing acts which originated in the Senate, viz: an act authorising an additional sale of lots in the town of Indianapolis and for other purposes, and an act to establish county Seminaries in the several counties therein named. The senate have passed an engrossed bill of the House of Representatives, entitled, an act to amend an act to regulate the militia of the state of Indiana, approved January 20, 1824, with amendments, in which concurrence is requested. They concur in the amendments made by the House of Representatives to the engrossed bill of the Senate, entitled, an act to amend an act entitled an act to provide for the partition of real estate, approved January 2, 1824.

The House agreed to the amendments proposed by the Senate to the engrossed bill of this House entitled an act to regulate the militia of the State of Indiana, approved Jan. 20th, 1824.

Ordered, That the Clerk inform the Senate thereof.

Mr. Lewis of W., from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the following engrossed bills entitled acts, to wit:

An act to authorise Polly Branham, administratrix of Linsfield Branham, to sell and convey certain lands therein named; and

An act to establish a county seminary in the county of Fayette; and find the same truly enrolled.

When,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr Speaker,

The Senate recede from their 5th amendment made to the engrossed bill of the House of Representatives, entitled, an act to encourage the killing of wolves.— They have adopted the following resolution, viz:

Resolved, That a committee be appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives, to wait on His Excellency the Governor and inform him that the two Houses of the General Assembly have gone thro' their business, and will adjourn to-morrow, *sine die*, provided he has no further communications to make to them—that the House of Representatives be informed of the adoption of this resolution, and that Messrs. Gregory and Morgan are appointed such committee on the part of the Senate.

Mr. Bullock, from the joint committee for enrolled bills submitted the following report, to wit:

Mr. Speaker,

The joint committee for enrolled bills did on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled Acts, to wit:

An act to provide for incorporating a seminary in the county of Clark.

An act for the relocation of the seat of justice of the county of Madison, and for the formation of the county of Hancock.

An act to vacate a part of Evans's enlargement of the town of Princeton.

An act to authorize the executors of William Ballard, deceased, to convey certain lands therein named.

An act supplemental to an act, entitled An act to relocate the seat of justice of Crawford county.

An act for the relief of John M. Wilson, late sheriff and collector of Fayette county, and for other purposes.

An act making specific appropriations for the year 1827.

An act providing for the relocation of the seat of justice in the county of Dearborn.

An act to authorize the sale of a site for a steam mill at Indianapolis.

An act to amend the act, entitled An act regulating the mode of doing county business And also,

A joint resolution respecting Blackford's Reports.

And then the House adjourned until to-morrow morning 7 o'clock.

SATURDAY MORNING, JANUARY 27, 1827.

The House met pursuant to adjournment.

Mr. Lewis of Wayne from the joint committee for enrolled bills made the following report, to wit:

Mr. Speaker.

The joint committee for enrolled bills have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act for the relief of Asahel Dunning.

An act authorizing the removal of obstructions in water courses, in certain counties therein named.

An act to encourage the killing of wolves.

An act for the relief of William W. Wick.

An act to amend an act, entitled An act to regulate the militia of the state of Indiana, approved January 20, 1824.

An act to amend an act, entitled An act to regulate judicial circuits, and fixing the times of holding courts, approved January 14, 1824.

An act to amend an act, entitled An act to provide for the partition of real estate, approved January 2, 1824. And,

A joint resolution relative to the state library; and find the same truly enrolled.

A message from the Senate by Mr. Farnham, their Assistant Secretary:

Mr. Speaker,

The Senate have received official information, that His Excellency the Governor, did on yesterday approve and sign the following enrolled bills, entitled Acts, to wit:

An act supplemental to an act, entitled An act to relocate the seat of justice of Crawford county.

An act to authorize the executors of William Ballard deceased, to convey certain lands therein named.

An act to provide for incorporating the county seminary of Clark county.

An act for the relocation of the seat of justice of Madison county, and for the formation of the county of Hancock.

An act appointing a board of visitors to the state seminary at Bloomington, and for advancing the interests of said institution.

An act to amend an act, entitled An act regulating the fees of the several officers and persons therein named, approved January 30, 1824; all of which originated in the Senate.

Mr. Bullock, from the joint committee for enrolled bills, made the following report, to wit:

Mr. Speaker,

The joint committee on enrolled bills did on this day, pre-

sent to His Excellency the Governor, for his approval and signature, the following enrolled bills, entitled Acts, to wit:

An act to authorize Polly Branham, administratrix of Lindfield Branham, deceased, to sell and convey certain lands therein named.

An act to establish a county seminary in the county of Fayette.

An act for the relief of Asabel Dunning.

An act authorizing the removal of obstructions in water courses, in certain counties therein named.

An act to encourage the killing of wolves.

An act for the relief of William W. Wick.

An act to amend an act, entitled An act to regulate the militia of the state of Indiana, approved January 20, 1824.

An act to amend an act, entitled An act to regulate judicial circuits, and fixing the times of holding courts, approved January 14, 1824.

An act to amend an act to provide for the partition of real estate, approved January 2, 1824. And,

A joint resolution relative to the state library.

Mr. Stevens on behalf of himself and Mr. Morris, submitted the following statement in writing, which was read and ordered to be spread upon the journal of this House, to wit:

HOUSE OF REPRESENTATIVES, JANUARY 27, 1827.

Mr. Speaker,

SIR—The undersigned, two of the committee who on yesterday reported on the resolutions and references, respecting His Excellency the Governor, and Secretary, Auditor and Treasurer of State, have with some surprise and great regret heard it repeatedly and openly stated, that the calculations and additions of money therein made are incorrect, or in other words, that the documents do not warrant those calculations, and that many of the detailed statements are incorrect.

This being the case, they deem it due to all concerned, to ask leave to state a few things respecting themselves.

One of the undersigned, Mr. Morris, never sat with the committee, nor did he ever hear the report until it was read in the House, nor has he ever examined the documents on which it is founded. Mr. Morris gave it as his opinion that nothing but facts without comment should be reported, to which the chairman, Mr. M'Kinney, and Mr. Stevens, both assented; upon which Mr. Morris said he would agree to the report they would make, and that he need not be troubled with it.

Mr. Stevens states that the report was drafted by Mr. M^r. Kinney, the chairman, and that he never made any of the calculations or compared them with the documents on which they are founded, and therefore cannot say whether they are correct or not. Mr. Stevens further states, that he never compared any of the statements with the documents, and cannot therefore say whether the facts of the report and those in the documents tally and agree, or not.

Mr. Stevens states, that there is no person but himself to blame for his not examining and comparing the report with the documents for himself, because he says that Mr. M^r. Kinney wished him to compare them and not to take his word.

Mr. Stevens further states, that there were several reasons which caused him not to examine and compare for himself, viz:

1st. The press of other business was such that he could not well attend to it.

2d. He had every confidence in Mr. M^r. Kinney the chairman.

3d. He was satisfied of the correctness of the general conduct of those officers, and believed (as he yet does) that there was nothing in the report or documents to injure any or either of them. And,

4th. The documents on which the report was bottomed, was to be published with the report and would speak for themselves.

The undersigned states there are one or two errors in the statements which has since been discovered, that is, the report says that the law requires the names of the purchasers of lands to appear on the tract books; this is incorrect; the law does not require that. The report says that the Treasurer advanced money to officers, &c. Mr. Merrill in his report says, that as treasurer he had advanced no money, but that as an individual he did advance money to persons by him in his report named.

The report further states, that money was advanced to various judges and members without shewing that the judges' salaries thus advanced, were in a few days of being due, and the money advanced to most of the members was due to them at the time.

The undersigned do not think those mistakes of any importance, nor do they believe it was intended as a mistake, because the Treasurer's report is expressly referred to by the statement in the report.

The undersigned cannot at this time name any other mistake, nor do they undertake to say there are any other mistakes, for they do not know.

Mr. Stevens states that he read the report, and assented that it should be reported under the circumstances above named; and he thinks no harm can grow out of it, inasmuch as the documents will detect any error, if there is any error.

Mr. Stevens says that at the time he assented to the report he supposed that Mr. M'Kinney the chairman, had made the calculations and synopsis of facts himself; but that he has since been informed that Mr. M'Kinney did not make the calculations. The calculations relate to the Auditor and Treasurer's report referred to them, and Mr. M'Kinney stated that he adopted them on examination. Mr. Stevens further states, that at the time he assented to the report that he fully believed that the law required the names of the purchasers of land to appear on the tract books, but on examination of the law he finds that is not the fact.

All of which they respectfully ask to have published with the reports and documents.

S. C. STEVENS,
M. MORRIS.

Mr. Stevens further states, that Mr. Morris stated to him that he did not wish to sit on the committee, and that he would agree to what Mr. Stevens would do, and that he Mr. Stevens or Mr. M'Kinney would have insisted on his sitting with the committee.

S. C. STEVENS.

Mr. M'Kinney in his place, states that the abstracts and calculation respecting the Treasurer's and Auditor's reports referred to the select committee, were made by Judge Johnston of Knox county, a member of this House, a gentleman of unimpeachable character, who performs his duty fearless of consequence, and whose well established character prevents the idea of his shrinking from responsibility connected with duty.

Mr. M'Kinney expressly says, that he as one of the committee examined, and being satisfied of the correctness of the calculations, he adopted them, believes them to be correct, and is gratified that the report and documents will be placed before the people for their judgment. If all members of the select committee did not attend and examine documents referred to them, Mr. M'Kinney is satisfied that he is not to be blamed for the remissness of others.

Mr. Sweetser offered the following resolution, to wit:

Resolved, That the Senate be informed that this House having gone through their legislative business, are now ready to adjourn *sine die*, and that the Clerk of this House do carry the said message; which was read and ordered to lie on the table for the present.

A message from the Governor by Mr. Ray:

Mr. Speaker,

I am directed by the Governor to inform this House, that

An act to provide for the surveying of a state road from Indianapolis to Newport, Vermillion county, Indiana.

An act for the sale of the real estate of Thomas Bullitt, deceased.

An act in aid of the corporation of the president and trustees of the town of Jeffersonville.

An act legalizing the proceedings of the board of justices of Franklin county, and for other purposes.

A joint resolution respecting Blackford's Reports.

A joint resolution respecting the revenue.

An act in addition to an act, entitled An act regulating the fees of the several officers therein named, approved January 30, 1824.

An act for the relief of John M. Wilson, late sheriff and collector of Fayette county, and for other purposes.

An act to amend the act, entitled An act regulating the mode of doing county business.

An act to authorize the sale of a site for a steam mill at Indianapolis.

An act providing for the relocation of the seat of justice in the county of Dearborn.

An act making specific appropriations for the year 1827.

An act to vacate a part of Evans' enlargement of the town of Princeton. And,

An act concerning state roads, which originated in this House, have received his approbation and signature.

Mr. Richardson, from the joint committee appointed to wait on His Excellency the Governor, and inform him that unless he may have further communications to make to the two Houses of the General Assembly, they are now ready to adjourn *sine die*, reported—That they had performed the duty assigned them, and had received for answer from him, that he had no further communications to make to them at the present session.

Then the House adjourned to 9 o'clock A. M.

9 o'clock A. M.

The House met pursuant to adjournment.

On motion of Mr. Sweetser,

The resolution relative to adjourning *sine die*, was taken up and adopted by consent.

Mr. Ray moved to withdraw the petition of Richard Winch-an and others, and the remonstrance of Moses Scott and others of Fayette county; which was granted accordingly.

Message from the Governor by William W. Wick, Secretary of State:

Mr. Speaker,

I am instructed by the Governor to announce to the House of Representatives, that on this day, (January 27) the acts which originated in this House, of the following titles, to wit:

An act authorizing the removal of obstructions in water courses in certain counties therein named.

An act to amend an act, entitled An act to regulate the militia of the state of Indiana, approved January 20, 1824.

An act for the relief of William W. Wick.

An act to encourage the killing of wolves.

An act to establish a county seminary in the county of Fayette.

An act for the relief of Asahel Dunning. And,

A joint resolution relative to the state library, have severally received his approbation and signature.

A Message from the Senate by Mr. Farnham Assistant Secretary:

Mr. Speaker,

The Senate have been officially informed, that the Governor did on this day, approve and sign the following acts which originated in the Senate, to wit;

An act to authorize Polly Branham to sell and convey certain lands therein named.

An act to amend an act to regulate judicial circuits, and fixing the times of holding courts. And,

An act to amend an act to provide for the partition of real estate.

The Senate have adopted the following resolution, to wit:

Resolved, That the Senate having gone through their legislative business, are now ready to adjourn *sine die*, and that the House of Representatives be informed thereof.

Mr. Burnett then moved that this House do now adjourn *sine die*; Upon which,

The Speaker rose from his chair, and addressed the House as follows:

Gentlemen of the House of Representatives:

Our labors are at length brought to a close, and we are now about to quit the busy scene of the capitol

Custom has given sanction, in many, if not all legislative bodies, for the member favored with the honor of presiding, to close the labors of a session by a public expression from the chair. But were this not the case, I must be permitted, with your indulgence, to avail myself of this opportunity to observe, that my own inclination will not suffer us to separate, without expressing, in some degree, at least, my feelings on this occasion.

In attempting this, however, it is impossible for me, gentlemen, to employ any language which will make you fully sensible of the grateful impression I now entertain, and shall always cherish as the pride of my life, for the innumerable evidences afforded, of your confidence and distinguished regard of

me, both as the occupant of your chair, and in the unabated marks of personal friendship so strikingly manifested on all occasions.

I cannot but notice with peculiar satisfaction and increased gratitude, the very flattering manner in which you have been pleased to regard my services, in the resolution just adopted; but whatever claim I have to such merit, it is alone ascribable to your generous aid and unhesitating support.

I am fully aware, that your patience must be much wearied by the various duties incident to a long and arduous session, which has been protracted until this time, only by the sense of duty indispensibly necessary to the discharge of a trust, no less responsible than important. Fifty-five counties are represented in *this* body—it consists of fifty-eight members. The citizens of each county have a *constitutional right* to be heard through their representatives on all subjects involving their interests. And when we reflect on the almost unparalleled increase of population in our young and growing state, with an increased representation, it cannot be a matter of surprize, that eight weeks should have been occupied, in the multiplied local business, in addition to that of a general nature, required by the wants of the state.

Should the whisper of dissatisfaction, however, begin its murmurs on account of the time necessarily occupied in legislation, where each individual only claims the exercise of a constitutional privilege; it may be asked, what citizen of *Indiana* would not readily hazard his life, and risk with his fortune the last drop of his blood, in resisting an invasion from *abroad* of the least of these rights, belonging to the humblest individual not only of this, but any state in the Union? Were the tongue mute, the heart would *leap* a response, as immediate as it were well understood. Who that has health and plenty will complain that the wants and diseases of others are properly attended to?

The anxious wish of every member of this House, I am happy to believe to have closed the session at a much earlier period, cannot have escaped the notice of any one who has had an opportunity of witnessing their deliberations.

Of the many subjects which have been agitated before this legislature, 111 laws including joint resolutions have passed and been approved by the Governor. Whether these exertions in behalf of the public will meet the gratifying approbation of our constituents, time and experience alone can determine. That every act should be universally approved, cannot in the ordinary course of legislation be looked for. But it certainly will not be otherwise, than pleasing to every one, that such is the financial concerns of our state, that we are not only clear of a state debt, but have been enabled to reduce the taxes near one fourth; and if present anticipations should be realized, which there is every reason to hope for, it will not be long before a further reduction may with safety be made.

You have relinquished for a short time the various avocations of private life for the service of your country; whilst mingled, and laboring together in the same vineyard, it was natural to have formed an attachment and regard for each other, which I hope, time will not be suffered to remove. The moment has now arrived when we must part—already does the heart quicken its anxious beat for the anticipated endearments of *home*—where we shall be welcomed by the smiles of *wife, children and friends*.

Permit me, gentlemen, to unite with you in tendering our thanks to the citizens of this place, for their united and individual exertions in the cheerful advancement of every thing necessary for our accommodation, convenience and comfort, during the session.

May you receive, as I am sure you merit, that reward which of all others is the most gratifying to a public man, "*well done thou good and faithful servant.*"

And the House adjourned *sine die*.

HENRY P. THORNTON,
Clerk of the House of Representatives.



NOT TO BE CIRCULATED

